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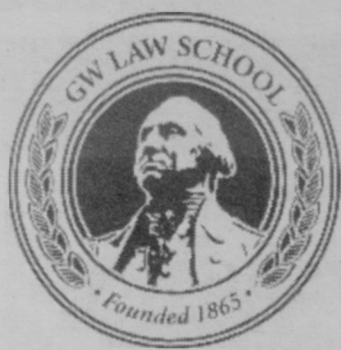
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# NOTA BENE

The George Washington Post

Monday, March 31, 2003

Vol. 13, No. 5

## SA Election Procedure "Illegal"

By SAMIA NASEEM  
Staff Writer

"Blatantly, totally, clearly illegal." Professor John Banzhaf used those words to describe the practice of recording student ID numbers in recent Student Association elections, which drew low law student turnout for that and other reasons.

"The Federal Educational Rights and Privacy Act prohibits a university from disclosing 'personal identifiable information,'" Banzhaf explained, citing 34 CFR section 99.3. He said the shocking revelation about the recent SA elections has all of the ingredients for a large class action lawsuit.

One law student sponsored SA legislation last week addressing the issue as the SA scrambled to respond to this and other voting issues in the weeks since the election. Other issues included the inability of law students to vote online even though undergraduates can.

SA Law Senator Rodney Zwahlen commented, "Everyone else votes through the Internet with gwu.edu email accounts, but hardly any law students have a gwu.edu email account." Said former SBA President De Famuyiwa, 3L, "Because we have a law.gwu.edu account, we have to go through a longer process. That substantially affects election results. Last year we talked to them and asked if we could vote online, and they informed us that if a law school student got a gwu.edu account, they'd be able to vote online,

too. They put the burden on us, but if we have a hotmail account and a law.gwu account, then why would we want another one?"

Students were also upset that medical students are allowed to vote online in absentia. SA Senator and former



Professor John Banzhaf describes the SA's election practice of recording student ID numbers as illegal under the Federal Educational Rights and Privacy Act

Presidential candidate Adam Greenman (U-CCAS) noted, "Many Medical School students were allowed to vote absentee, which meant that they could e-mail their votes to the [Joint Election Committee] and didn't have to go through the process. In my opinion, this was very unfair."

Famuyiwa added, "There is a separation between the law student community and the undergrad. Problems like this only perpetuate that. As a law student, I have a Law School account that is tied to GW community, and I should enjoy the privileges that other students have. Unfortunately things like what happened in the election are evidence of the contrary."

Zwahlen obtained a gwu.edu account and attempted to vote from the computers at the Law School but was unsuccessful. "You can't vote from the computers at the Law School, so even if you had a gwu.edu email account, you wouldn't be able to vote online," he reported. "Try to figure that one out."

Another problem with the election was the wait time to vote. The lines were long, and many law students decided not to stay in them, giving up their vote completely. The recently re-elected SA Executive Vice President Eric Daleo witnessed much of the voting activity. "The time it took to radio-in names and social security numbers made for long lines at that polling location all day. I saw scores of Law School students walking away from the voting station because the wait was too long."

Zwahlen found the situation disturbing. "One of the law students running for a grad at-large position had to get to class and couldn't vote because it was taking too much time to verify that he was in fact a registered law student," he said. "These people had a direct interest in

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## Dean Young Threatens to Change *Nota Bene* Funding

By STEFANO FORMICA  
Staff Writer

In a meeting with Student Bar Association President Corrie Westbrook, Dean Michael Young announced his plan for a major change in the funding of the Law School newspaper, proposing the SBA take responsibility for funding the paper. The proposal also includes an increase in the SBA's overall budget to help fund the additional expense.

The plan angered the *Nota Bene* staff, who were not warned of the plan and said they feared the decision would jeopardize the independence and viability of the paper by further placing it under the financial control of groups that are frequently covered by the paper.

In discussing the funding of student groups, Young suggested the conveyance of the operating budget of the newspaper from the administration to the student government, Westbrook told the *Nota Bene* staff last week. The purported plan would allow the SBA to appropriate money for the pa-

per as it sees fit to make the paper "responsive" to the student population. No representatives from the student-run publication were present or informed about the decision before the plan was announced to Westbrook.

Historically, the paper has operated on a fixed budget from the administration to continue in its charter of maintaining an independent and free publication to serve as a forum for student opinions. The new proposal, which has not yet been considered by the SBA, would essentially change the operating procedures of the publication. Under the SBA constitution, student groups cannot be favored over other student groups and must compete for funding under a limited budget.

The newspaper's operating budget, estimated at around \$15,000 per year, covers the costs of printing, publication materials, editorial, and writing costs. That figure has historically fallen short of covering the newspaper's requirement of eight issues per semester, but careful management has the paper on schedule to balance its budget this year, said *Nota Bene* Editor-in-Chief Mark Hershfield.

Under Young's proposal, the Student Bar Association would have the responsibility to allocate funds on a yearly basis to the paper, based on the determination of the "responsiveness" and "student interest" in the paper, as interpreted by the voting members of the board.

Traditionally, the newspaper has served as the only method for widespread student criticism of the administration and SBA decisions. When asked if there was a

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## GW Grad to Clerk for Chief Justice Rehnquist

By JOHN LOVRICH  
Staff Writer

U.S. Supreme Court Chief Justice William Rehnquist has selected Courtney

Gilligan, J.D. '02, to begin serving as his law clerk later this year. "It's the toughest job to get out of law school," said Professor Lorri Unumb. "I'm not surprised, however. Courtney was well-rounded, incredibly bright, and a very likeable person." Gilligan is one of the few who are selected each year to serve the Supreme Court Justices. She joins the ranks of Dean Young and Professors Maggs, Brauneis, Clark, Lerner, Salzburg, Molot, and Kerr, who have or will clerk for Supreme Court Justices.

"Courtney is very very smart, an exceptional worker, she writes well, and she is a balanced person," recalled Dean Young. "She already has good judgment - that is not something that can be taught. And working with Chief Justice Rehnquist, she will have a bird's eye view of the Court's proceedings. He really involves his clerks and gives them a great deal of responsibility." "I cannot tell you what caught [Chief Justice Rehnquist's] eye," said Gilligan of the interview process. "I just know that I am very fortunate and hon-

ored. I look forward to the challenging work and the extraordinary learning experience of working at the Supreme Court." Gilligan has already had a remarkable career. After graduating from University of Scranton in

1999 with a degree in biology and philosophy, Gilligan came straight to GW Law. She graduated in the top five percent of the 2002 class and served on Law Review, Moot Court, and the Alternative Dispute Resolution Board. Since graduation, she has clerked for Judge Frank Magill, U.S. Circuit Judge in Fargo, North Dakota. Her clerking experience has already paid off. "I have learned so much that it would be impossible to summarize," says the

New Jersey native. "I have had a chance to do important work while developing my writing, my critical analysis, my researching skills, and my judicial philosophy. As a recent law school graduate, each of these is in its initial stage of development, but I honestly cannot think of a more challenging and rewarding way to cultivate these skills than a clerkship. Working for Judge Magill has really opened up my eyes to the benefits of clerking. He has been an exceptional mentor." She has no intention of slowing down once she comes back to Wash-

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OPINIONS

Will the Nota Bene Become Extinct?

When this year's 3Ls first arrived at this law school, the *Nota Bene* was an eight-page newspaper with two news stories, a staff of ten, and pages of content written as press releases by the library, the CDO and the clinics. In less than three short years, the paper has improved tremendously, now running as many as twenty pages in length with as many as fifteen news stories in addition to featured columnists and a staff of thirty hard-workers. Once nothing more than a glorified version of the CDO's "Noteworthy," the *Nota Bene* today provides useful information, a forum for discussing controversial issues, and a source of humor and commentary on the law student life.

Dean Young would like to reverse that progress by slashing the *Nota Bene* budget and placing it under the financial control of the very people it is responsible for keeping honest - the SBA and the SA. The folly of the plan is evident in itself - the administration is retaliating for criticism for cutting our budget.

Young will claim this is a financial matter, but he does so by overlooking the paper's most impressive accomplishment. The *Nota Bene* has enjoyed its remarkable improvement will suffering painful financial cuts that allowed the paper to come in under budget for the first time in years. The paper's budget comes from the administration, who asked us to tighten our belt this year. The paper complied, and in return, the administration is trying to eliminate us completely.

We knew Dean Young was hostile. In the past year he has spoken to the faculty and the SBA, referring to the newspaper in a negative light. It is not clear why he dislikes the paper. Perhaps it's the occasional word of criticism printed in these pages. What is clear is that Young's proposal seriously endangers the future of the paper and thwarts its mission to report honestly on the powers that be at the law school.

The *Nota Bene* has received money directly from the law school for at least the past five years to cover publication and staffing expenses. In addition for the expensive printing costs, the money also compensates editors and writers for the countless hours they spend on the paper. Writing for the *Nota Bene* won't get you class credit or a favorable look from law firms, after all. Covering stories, writing, and editing is an enormous undertaking for a staff of law students, but *Nota Bene* contributors have plowed on despite two sharp salary reductions in the past year.

Moving under the SBA would inevitably hurt the paper's budget and hamstring its ability to offer fair criticism of the student government. Not only would the paper's budget be subject to the changing needs of other student groups competing for the same funds, but it would also allow the SBA and the SA to withhold money to influence our coverage of their activity. This is unacceptable.

We are today calling on all members of the law school community to stand up to his seemingly innocuous plan and tell Dean Young that the law school needs a free, independent, and fully funded newspaper. We are also requesting that the SBA join forces with us to maintain a strong and independent school newspaper. To all our readers please help us to ensure that the *Nota Bene* does not go the way of the dinosaur and become extinct.

Operation Iraqi Freedom: A Different Perspective

By Erik Baptist  
Staff Writer

Even though I figured that most people have already made up their minds about whether the war to liberate Iraq was justified, I still wanted to write an article about this war. Why? I just wanted people to ponder certain points - specifically, statements made by some notable people in the world - that I have read about Iraq and the war. Remember, reasonable people can disagree on this issue. But that assumes that the people are reasonable. In other words, if you have an open mind and an un-skewed view of the world, you might learn a thing or two. I know I sure did.

Many of the arguments against this war focus on President George W. Bush and his administration: he is fighting this war for oil; he wants to finish "Daddy's" business; "Adolph" Bush was "selected," not "elected"; or "Dick Cheney eats babies" (my personal favorite). Maybe some of these arguments are persuasive and true. But most likely they

are intellectually bankrupt accusations that neglect to challenge the Bush Administration's justifications for the war. Here is probably one of the most powerful, succinct explanations as to why we should act now: "[What happens] if Saddam Hussein fails to comply and we fail to act or we take some ambiguous third route, which gives him yet more opportunities to develop his program of weapons of mass destruction and continue to press for the release of sanctions and ignore the commitments he's made? Well, he will conclude that the international community's lost its will. He will then conclude that he can go right on doing more to build an arsenal of devastating destruction. If we fail to respond today, Saddam and all those who follow in his footsteps will be emboldened tomorrow. The stakes could not be higher. Some way, someday, I guarantee you he'll use the arsenal."

Who said this? It wasn't anyone with the last names of Bush, Cheney, Rice, Powell, or Rumsfeld. It was none other than Bill Clinton in 1998. I didn't see any war protesters when he attacked Iraq, and the situation has only gotten worse since then. These accusations only show sheer bitterness towards our President. We must, however, get past these *ad hominem* attacks and address the more meritorious challenges to the war.

Another argument against the war - or, to be specific, war in general - is that war never solves anything; nonviolent means will provide the only just end. The two greatest nonviolent leaders of the 20<sup>th</sup> century were Mahatma Gandhi and Martin Luther King, Jr. What would they think about the U.S. action in Iraq? Consider the following quotes. Gandhi once said, "I do believe that, where there is only a choice between cowardice and violence, I would advise violence.... I would rather have India resort to arms in order to defend her honor than that she should, in a cowardly manner, become or remain a helpless witness to her own dishonor." Similarly, Dr. King advised, "If your opponent has a conscience, then follow Gandhi and nonviolence. But if your enemy has no conscience

like Hitler, then follow Bonhoeffer." Dietrich Bonhoeffer, for those of you who don't know, was a German theologian who was executed after resorting to violence in trying to depose Hitler. And finally, I'd like to quote a bumper sticker that I recently saw: "Except for ending slavery, fascism, Nazism, and communism, war has never solved anything."

Some protesters worry about all the Iraqi children that will be killed as a result of the war. This argument is as asinine as saying that many Jewish children would be killed if the Allies attacked Germany. I understand that the cost of human life is the greatest price to pay for war. But this argument assumes that life in Iraq is, at least,

tolerable. Well, many human shields have returned from Iraq. Here's what they have to say.

Kenneth Joseph, a human shield from America, said that his trip "had shocked me back to reality." The Iraqis

he talked with "told me they would commit suicide if American bombing didn't start. They were willing to see their homes demolished to gain their freedom from Saddam's bloody tyranny. They convinced me that Saddam was a monster the likes of which the world had not seen since Stalin and Hitler. He and his sons are sick sadists. Their tales of slow torture and killing made me ill, such as people put in a huge shredder for plastic products, feet first so they could hear their screams as bodies got chewed up from foot to head."

Daniel Pepper, a British human shield, commented, "I was a naive fool to be a human shield for Saddam." In a conversation with an Iraqi taxi driver, "I said, as we shields always did, 'Bush bad, war bad, Iraq good.' He looked at me with an expression of incredulity. As he realized I was serious, he slowed down and started to speak in broken English about the evils of Saddam's regime. Until then I had only heard the president spoken of with respect, but now this guy was telling me how all of Iraq's oil money went into Saddam's pocket and that if you opposed him politically he would kill your whole family." Another taxi driver addressed the question of whether he feared U.S. bombing. The driver responded, "Don't you listen to Powell on Voice of America radio? Of course the Americans don't want to bomb civilians. They want to bomb the government and Saddam's palaces. We want America to bomb Saddam.... All Iraqi people want this war."

And for everyone who wanted approval from the United Nations to justify this war, consider the plight of Rwanda. The U.N. ignored the human rights atrocities in this African nation and millions perished. Supporting America's decision to fight regardless of U.N. approval, President Paul Kagame of Rwanda remarked, "They should act when they are right to act because the Security Council can be wrong. It was wrong in Rwanda.... You might avoid war and have a worse situation.... That is why I was giving a comparison with our case. People avoided a war or doing very much and it ended up with a genocide."

***"Of course the Americans don't want to bomb civilians. They want to bomb the government and Saddam's palaces. We want America to bomb Saddam.... All Iraqi people want this war."***

Nota Bene

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## News

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## NEWS FROM THE GW COMMUNITY

*U.S. Senator Speaks at Law School*

Senator Paul Sarbanes (D-MD) gave the 23rd annual Manuel F. Cohen Memorial Lecture at the Law School March 31st. Sarbanes co-authored the Sarbanes-Oxley Act of 2002, which dealt with corporate responsibility following a period in which Enron, Worldcom, and other corporate entities were accused of engaging in accounting fraud. Sarbanes is the ranking member of the Senate Committee on Banking and Housing and Urban Affairs. The topic of his speech was "The Crisis in Corporate America – The Legislative Response."

*200 Years Later*

On April 10th and 11th, the George Washington University Law Review and the George Washington International Law Review will be sponsoring a symposium to commemorate the landmark Supreme Court decision in *Marbury v. Madison*. As most law students should know by now, this decision established the principle of judicial review. Programs during the symposium will discuss the impact of judicial review upon war powers, the history of judicial review prior to Chief Justice John Marshall's decision, and judicial review in international organizations.

*No Trimester For You*

The University, which considered a switch to trimesters, ultimately decided against a departure from the current semester system. It is unclear at this point whether the Law School would have made a similar switch, considering it must meet ABA requirements that explain our determination to make up missed classes. The committee considering the trimester issue instead suggested two fourteen-week sessions and a ten-week session during the summer.

*March Madness*

For one team, it involved taking a step into the NCAA Tournament. For another, it was making progress through two rounds in the conference tournament. During spring break, the GW men's basketball team advanced past Massachusetts in the opening round of the Atlantic-10 conference tournament, although the team lost its next game to No. 10 Xavier by a score of 78-73, ending its season with a record of 12-17. The GW women's basketball team upended the University of Rhode Island in order to win the A-10 title, their first A-10 conference championship in seven years.

The team, seeded seventh in the Mideast bracket, defeated the University of Oklahoma in Oklahoma before falling short against the second-seeded Villanova Wildcats, 70-57.

*Feeling a Little Orange?*

For those completely oblivious to the current war in Iraq, President Bush recently raised the national security level to Code Orange. It is worth pointing out that this has led to some sidewalk closings in the area surrounding the White House, although the monuments are still open (except for White House tours). The University's website, [www.gwu.edu/~gwalert](http://www.gwu.edu/~gwalert), provides the operating status, as does the GW Law School Web portal.

## The SBA Beat

By TROY D. BYERS  
Staff Writer

The SBA officially heralded in the new Westbrook Administration as the Famuyiwa administration quietly and graciously handed over power after a somewhat eventful year marked by budget crunches, resignations, in-fighting, but most of all, results. Westbrook's entrance was marked not only by her obvious differences from Famuyiwa but also by a few key issues that will likely define how well Westbrook works on behalf of the students while retaining the good graces of the faculty.

There was no honeymoon for Westbrook, who immediately faced a request for SBA help in obtaining CNN coverage of the war during the school day and a drastic change in the funding of the Law School newspaper.

The first and most noticeable change for the new administration was the absence of pizza at the SBA meeting. Noting budget crunches, Westbrook first unilaterally decided that for the first meeting pizza should not be served. After little discussion on the subject, Chris Herndon, a 3L Representative, made a motion to treat the SBA like other Law School organizations and fund the pizza accordingly, which the SBA overwhelmingly approved. In doing so, the SBA abolished a long-held benefit in the spirit of equity with the rest of the student organizations.

Perhaps the next most obvious disparity between the old and the new administrations was the ease and control with which Westbrook handled the parliamentary procedural system and kept discussions and voting in line. Though there were still numerous cabinet positions open and hence was a smaller crowd to control, discussion time limits were strictly adhered to, and order reigned supreme.

The first substantive issue facing the SBA under Westbrook is a request from Sarah Ackerstein, 1L Day, to have CNN coverage available around the clock. Citing noise and congestion concerns, some

faculty members apparently argued the TV sets around the Law School should be turned on only for breaking news that could have substantial impact on the operation of the school, such as the September 11th attacks.

Ackerstein started her quest during the first elevated terror-threat level to orange. "When the terror alert was raised to orange the first time, I started thinking about how insulated we are here in the Law School from the outside world, and it worried me that students and staff wouldn't have timely access to important information if something happened," she explained.

After her initial requests were rebuffed by the school administration, Ackerstein came to the SBA to ask for an endorsement to her request. "I think [the school administration] thought I was just overreacting," she said. "But now we're at war, and the alert is back up, and it just seemed even more important for us all to stay informed."

Before endorsing the TV request, the SBA voiced concerns about students who might see this coverage as a more of a distraction to their daily routine than a benefit. As a preliminary issue, the SBA decided to commission a fact-finding committee headed by Dawn Goodman, 2L Representative, to petition the students to determine where their sentiments lie before any actions are taken by the SBA.

Another concern for the SBA is the school administration's determination to discontinue direct funding of the *Nota Bene* and to turn both the funds and the responsibility for funding the newspaper over to the SBA. While many voiced concerns over the obvious potential for impropriety this change could permit, it seems the administration has firmly decided that the only alternative to SBA funding would be no funding at all. While this change caused much consternation amongst most members of both the SBA and the *Nota Bene*, it seems the newspaper's fate has already been determined. While admitting that her hands were tied, Westbrook promised to continue her inquiry into the fate of the paper.

## Law School SA Senators Speak Out

By JOHN LOVRICH  
Staff Writer

It is no secret that the Law School has been having a difficult time in recent months with the Student Association. Numerous political battles have erupted between Senator Mark Hershfield, 3L, and other SA senators, and funding issues have also become problematic, especially after the Law School was fined for not turning in a timely mid-year budget.

In the wake of recent elections, however, this situation might change. Only two of the four Law School senators will be incumbents, and they are both 1Ls. Despite their inexperience, all of the Law School senators understand that overcoming current problems will take a great deal of work.

"My hopes are to be able to repair the damaged relations that currently exist between the Law School and the undergraduate community," said incoming Senator Anthony Ellis. "I think that [we] have a real opportunity to present a picture of the Law School community as a group of students who are interested in maintaining a positive relationship with the undergraduate student leadership."

Ellis realizes that he may face some opposition. "I am looking forward to the new experience, but realize that there is a level of animosity toward the Law School in the Senate. Therefore, it may initially be difficult to convince the Senate to embrace our ideas."

Christopher Bowen, another incoming Law School senator, also appreciates that the present situation is less than perfect. "My expectation is that the SA will provide an equitable disbursement of funds for ... the Law School.

I hope to obtain a more equitable share of the student activity funds. Currently, the Law School receives less than its fair share of funds from the SA."

Bowen plans on helping to turn around the present situation. "I hope that my prior experience in student government will allow me ... to work with the other members of the SA. For the law school, I hope that this will allow me to obtain more money for the student activities. For the University as a whole, I hope that this will allow me to bring a great deal of energy to bring the organization closer to the needs of the students."

One outgoing senator is putting a lot of stock in this influx of new blood. "I am excited that the Law School will be represented by some experienced and some fresh faces next year," said Senator Tracy Schampers (Graduate-at-large), a 1L. "I think the biggest challenge facing the new senators will be to fight for the Law School's funding while at the same time rebuilding relationships within the Senate. I think the key to success will be to change the perception that the Law School is out for itself and not interested in working with others."

Schampers sees the mix of experienced senators and rookies as a definite plus. "The returning senators have seen the problems that developed this year, and I am confident they will do all they can to make sure the Law School's best interests are represented."

2L Dan Ericson (Graduate-at-large) is one of the two senators with experience working on the SA. "I feel like the best thing we can do to help the Law School is improve the lines of communication," he said. "At the beginning of the year, I'd like to know the amount of money that the SBA feels like it needs to operate so I can advocate for that

amount. Lines of communication were not so wonderful this year, as everyone knows by now. The SA and the Law School got off on a bad footing. I think we can create a more collegial environment at the outset, which will make it better for all parties involved."

Communication between all the schools at GW is a top priority for Ericson. "The SA has to do a better job at directing more programming and events towards graduate students," he said. "I'll need to work with the other graduate senators to see what they want to do, and I'll have to work with the SBA to see what they need from us." Ericson is confident that any problems that arise will be handled smoothly. "I'll be in my sixth year at GW (four as an undergrad, two as a law student), so I guess nothing really surprises me by now."

One outgoing senator is more pessimistic than the rest. Hershfield has been a source of contention between the Law School and the SA. His style, at times abrasive, did not mix well with some on the SA.

"It's going to be an uphill battle for the four new senators who are law students," said Hershfield. "Two are returning senators, so the learning curve will be much shorter for them. But overall, based on the overall composition of the Senate, I am very pessimistic about how much influence they will have in the SA."

Hershfield does offer some advice to the incoming senators. "I would encourage them to stick to their principles in what may sometimes be dicey situations and to represent the Law School to the best of their ability."

*Editor's Note: Mark Hershfield, the Editor-in-Chief of this publication, is an SA Senator, and took no part in the writing or editing of this piece.*



# News

## Plans Set for Commencement Week

By MARK HERSHFIELD  
Editor-in-Chief

As the weather outside continues to warm, the thoughts of third-year day students, fourth-year evening students, and several L.L.M. students begin to focus on commencement. This year commencement will take place on May 25<sup>th</sup> at 1:30 p.m. in the Smith Center. Commencement, however, is not limited to graduation day itself. For more than a year now, the SBA Commencement Committee has been working in coordination with the Office of Student Affairs to prepare events from May 18th-25th.

As of press time, the only events that have been confirmed for the week leading up to commencement are a trip to King's Dominion (tentatively scheduled for May 18<sup>th</sup>) and a "Booze Cruise" (scheduled for May 22<sup>nd</sup>). The SBA Commencement Committee, however, has solicited student input through a survey on what activities they would like to see for the week.

"E-mails are part of the [committee's] decision-making process," explained De Famuyiwa, a member of the Commencement Committee. But said Committee Chair Cathy Peterson, the "events we choose are not going to be simply based on popularity." She added that the activities will be "similar" to events held for previous graduating classes.

This year the Commencement Committee has received roughly \$16,000 to \$18,000 as compared to the \$24,000 the committee received last year, according to Peterson. Despite the lost funding, Peterson said all of the events for commencement week will be subsidized. Famuyiwa also noted that the committee was in a "good position financially" to organize and plan events for commencement week.

Events for the day prior to commencement have been

organized for the most part by the Office of Student Affairs. On Saturday at 2 p.m., an Awards Ceremony will be held in the Marvin Center, and at 4 p.m. a reception with the Dean will be held for students and their families. "[The Dean's reception is] a wonderful opportunity for students and their families to come together and have an event prior to commencement," said Dean Renee DeVigne. Included in this reception is a slide show. Famuyiwa, through an e-mail to graduating students, has solicited graduating students for "fun pictures" to include in the slide show.

The Commencement Day activities for the most part fall under the jurisdiction of Dean Tom Morrison, who said some students have expressed concerns about finding tickets for their entire families to attend the events. Morrison, however, put these fears to rest. "Everybody who needs tickets will get tickets," he said. "In the past five years I have been here, we haven't had a problem with getting tickets for those that want them ... with the exception of those who want fifteen-twenty extra."

Famuyiwa concurred in this assessment. "In the end, people will be able to get [enough tickets for] their families to come ... [the process] generally works very well."

Graduating students on Tuesday and Wednesday can pick up six tickets for graduation at the Record's Office or B410 during various time periods throughout the days. From there, students are requested to go to the Dean's Office to sign up for additional tickets or tickets for individuals with disabilities if they need them. Morrison noted that tickets were not given out on a "first-come, first-serve basis" but were instead given out based on what needs could be easily accommodated.

All students, however, need a commencement venue with good weather, making the Smith Center an ideal choice. Morrison had discussed with Peterson the possi-

bility of moving graduation to a smaller venue, but ultimately the decision was made to keep the graduation at the Smith Center. "The Smith Center holds the right amount of people to have this event at," explained Morrison.

Some students have wondered why the commencement for the Law School is being held a week after the commencement for the University. Explained Morrison, "The Law School operates on a different calendar" from the rest of the University. Another factor was the need for professors to complete their grading prior to commencement. DeVigne noted that GW is one of the few law schools that has "all recognitions ready for graduation." She praised the job the Record's Office has done in completing this task. "The Record's Office works so hard to get things perfect," she said.

As previously reported in the *Nota Bene*, the speaker for commencement is Justice Sandra Day O'Connor. Peterson said the results from a survey conducted a year ago had been whittled down to a list of ten possible speakers, which was then given to Dean Michael Young in the fall semester.

"Both the Clintons were the top choices [of the students]," said Peterson. "Bill Clinton first, Hillary Clinton second," she said, adding, "I am extremely happy with the selection."

As for the overall commencement week activities, DeVigne said the events "bode a great opportunity for students." Peterson is also optimistic that the committee can put a list of events together that "everyone will like." Further updates on commencement, along with current information on graduation, can be viewed at <http://www.law.gwu.edu/commencement/03.asp>.

## GPA Honors Considered

By SAMIA NASEEM  
Staff Writer

A faculty discussion about the way George Washington and Thurgood Marshall Scholar designations are awarded has incited students to speak on the issue. The matter surfaced at a recent faculty meeting when Dean Jeffrey Gutman, chair of the Curriculum Committee, proposed awarding the honors based on semester GPA, as the faculty originally desired. The awards are currently given for cumulative GPA rank because technology has not allowed for a semester calculation.

"As long as GPA is calculated cumulatively, the students who do poorly in their first year will always play catch up," explained Gutman. Even if students perform well later, they may never receive an honor because their cumulative GPA will not be high enough.

Students and faculty expressed their concerns. "Some professors feel that the value of the designation will decrease if so many students are given the notation," said Gutman. "It would be hard to distinguish between students because everyone would melt together."

2L Liza Myers agreed. "I feel sorry for the people who have the bad semester, but what about the people who work so hard to achieve that cumulative GPA?" she asked. "The designation of George Washington and Thurgood Marshall Scholar is already misleading - changing the designation to semester basis would only add to the confusion."

SBA President Corrie Westbrook said that confusion would be mitigated because students would have to designate which semesters qualified them for the honor, similar to a "Dean's List" used at many colleges. "I don't see how it could hurt anyone," she said. "Those students who got the scholar designation right off the bat from first semester would be able to say on their resume that they've been a scholar for four

semesters or more. Those students who are only on for one would have to say that, too."

Some feel students lose opportunities because they can never claim any honorary designations. Trish Chang, 2L, is unhappy that the faculty has not changed the designation. "I feel that students who perform poorly in one semester may be prejudiced throughout their careers because they could not dig themselves out of that hole," she said. "They may not end up receiving all of the benefits that they deserve."

Gutman and other faculty agreed, "Some students will do well and then take a downward trend while others will do poorly at first and then excellent throughout the rest of their law school career," Gutman said. "Students who wound up the same are arguably treated unequally depending on their trend."

Many students doubt the danger. 3L De Famuyiwa said, "A student who has a 3.35 GPA but never received any distinction will not be treated differently than a student with a 3.37 GPA who did because those averages are so close."

He added, "Allowing so many students to have this distinction may cheapen its value. Although I understand how some students are feeling, the concerns for students who have worked so hard to attain that distinction outweigh the sympathy for those who can't get it on a semester basis."

Gutman concluded, "The idea is that the students who are at the top of their class will easily get jobs. It is the students who are in the low to middle who will have difficulty. If some of those students in that middle group have a good semester and can put that designation on their resume, it may make them attractive in the job market. The idea was to do that just that for those students, not to hurt students at the top but help students in middle and low middle."

Westbrook said the SBA will consider the issue soon and offer its opinion to the faculty for their consideration.

## Mailboxes Moving, But Not Gone

By ALEXANDER SAUNDERS  
Staff Writer

The student mailboxes will move from their current location during this summer's massive renovation of Stockton Hall first floor. There are currently two proposed locations for the mailboxes: on the third floor of the Stockton Hall or in a new portion of the Law School in Stuart Hall that will open next fall.

Dean Tom Morrison has suggested that mailboxes might be placed within or adjacent to the new Records Office. This new location in the Stuart building is expected to provide more than twice as much floor space than the current Records Office. This new space in the Stuart Hall building is being given to the Law School as part of its expansion and forcing the relocation of the Elliott School, which will now occupy a new building on E Street.

The student mailboxes may be placed next to the new Records Office in the Stuart building, stated Morrison. This is a good potential location for the student mailboxes. Despite some suggestions that the mailboxes be eliminated or become more communal, the current plan is to maintain individual student mailboxes. The expansion of the Soft Lounge and Hard Lounge and the relocation of the Records Office will require that the walls in the hallway of Stockton be removed. This means that the mailboxes currently running along these walls will also have to go.

As part of the three-million-dollar improvements to Stockton Hall, the Soft and Hard Lounges will double in size. Because the entire area running along the east side of the Stockton building on the first floor will be committed to student lounges, keeping the location of the mailboxes as they are now is out of the question.

The Soft and Hard Lounges will double in size and have access to the windows on both sides of Stockton Hall, greatly increasing the student area, explained Morrison. Because of these changes, the mailboxes' current location would be in the middle of the expanded area and take up too much space and create traffic problems.

As the basic floor plan of Stockton is changing, the location of the student mailboxes will have to adapt to the changes. Among the competing ideas for the fate of the mailboxes were the outright elimination of them or switching to a communal set-up.

This communal proposal involved replacing individual mailboxes with large bins arranged by students' last names, providing mail space for large groups of students at the same time. In response to the plan, some students have said this would not only be burdensome and confusing but would also mean that students would be less likely to leave personal notes for friends. In support of the communal plan were the notions that it would save space and discourage junk mail.

Generally, students were opposed to the outright removal of mailboxes. Dean's Fellows cited their need for mailboxes when distributing assignments. Lauren Tabak, a 2L day student, remarked that she felt that the mailboxes were beneficial. "They are really helpful, especially for first-year students," she explained.





## NEWS

## Law School Tuition Increasing

By ALEXANDER SAUNDERS  
Staff Writer

The tuition for law students is increasing by 5.3 percent beginning next school year. At its February 28th meeting, the Board of Trustees for the University approved the increase, which will help pay for school operating costs, professors' salaries, and renovations.

The tuition will be \$30,990 for full-time students and \$1,090 per credit hour for evening students. Last year the tuition rates were \$29,420 for full-time students and \$1,035 per credit hour for evening students.

Therefore, the increase means that full-time students will have to pay an additional \$1,570 for next year's tuition and the evening students can expect to pay sixty-five dollars more per credit hour.

According to Dean Roger Transrud, this increase is necessary to pay for many of the typical costs of running the school in addition to the ongoing renovations and a salary increase for professors. Transrud also cited new books for the library and the building of new student lounges as some additional reasons for the increase in tuition.

The numerous renovations to the Law School, which will double student lounge

space and relocate the Records Office, are expected to cost more than nine million dollars. The new Stuart building will feature nine new classrooms, two of which will be seminar rooms. One of these rooms will double as an extra moot courtroom, adding to the two existing moot courtrooms in Lerner Hall and the clinics building on F Street.

The increase is principally necessary to support the faculty and staff, library acquisitions, and basic operating costs, explained Transrud.

Some students have remarked that an increase in tuition is not good for them but they accept it as a necessary sacrifice. One student, who wished to remain anonymous, felt that the increase in professors' pay was acceptable. This student believes that teachers are under-compensated and deserve a raise.

For students who get loans, their loan budget for next year will also increase. Transrud expects that the loan budget amount will increase by more than the tuition increase. In other words, it is expected that students will be able to apply for loan amounts that are more than 5.3 percent greater than last year.

"I think you'll find that the loan budget will increase by more than the tuition increase," said Transrud.

## A Conversation with Corrie Westbrook

By BRANDON BRISCOE  
News Editor

Life is busy these days if you're the newly inducted SBA President. Ask Corrie Westbrook.

A war starts in Iraq, and she fields student requests for CNN viewing stations. Dean Young grants her face time, and she leaves with a \$15,000 newspaper operation under her control. Tough gig.

Still, Westbrook took time off from her media empire on a sunny afternoon last week to discuss her plans for the upcoming year. The first order of business is to line up some help.

"I'm picking my cabinet members right now, and I'm trying to interview everyone who's interested," she said. That meant four interviews on Friday. "I had a lot of interest—a lot of 1Ls are interested."

As much as she wants help, though, Westbrook wants to help. "I want law students to see the SBA as something they can

come to for anything. There's a big range of issues and problems that we can get our hands in."

That concern is evident in her campaign platform, which focused on the recent loss of *The Environmental Lawyer* law journal and several clinic opportunities. She's also concerned about free printing, building renovations, and shortcomings in the laptop exam program for good measure. The necessity of a cabinet becomes evident with such ambitious goals.

Chief among Westbrook's concerns, she said, is the lost journal opportunities for students. She plans to continue an SBA ad hoc committee with Michael Silver, working with the new editorial boards of the journals to find more positions for GW students.

"The biggest problem with the loss of TEL is that we have fewer students on journals," she said. "Employers look for that."

Ideas include starting a new journal or expanding the membership of the existing journals like *The George Washington Law Review* or *The George Washington International Law Review*, which the administration seems determined to protect. "Some faculty said those are sinkholes anyway but that the administration won't do anything because they are the only journals without outside contracts."

Westbrook is optimistic that the situation will improve because the administration has yet to unite in opposition to the proposed remedies. "There's not one reason things don't work except that *Environmental* wasn't getting quality submissions or demand," Westbrook said. "It's good for us if we can get enough push because the administration is not all against our ideas."

Faculty members have also given stories conflicting with the administration's assertion that current journal membership is static. "You talk to the faculty advisors, and they say, 'We play with the numbers every year.'" The plan of action calls for more research of GW's system as well as that of other law schools, some of which

publish more than double the number of journals housed at GW. Westbrook also hopes the appointments committee will look for candidates who might be willing to help start a new journal at GW.

While a new journal is still debatable, new lounges and classrooms at the Law School are not. The long-discussed mailbox issue has been resolved. Almost. "Most students wanted to keep them, so we are." The new boxes will be on the third floor of Stockton Hall or somewhere in the newly acquired Stuart Hall, she said.

But more pressing questions remain. What kind of furniture should go in the new lounge? Should there be e-mail terminals on the ground floor? "Most people didn't

like the leather lounge," she sighed. "We'll have to do a formal survey on that." Student reaction was mixed on e-mail terminals, so that decision has been left to the administration.

And then there's the library. "They're planning sometime in the future to build a six-million-dollar li-

brary, so they don't want to spend much money on this one." But students are spending plenty of money in the library, Westbrook noted in a reference to the price of printing. Dean Scott Pagel reports that the issue is out of his hands, and the Student Association is holding the ball now, she said. "The undergrads abused free printing, so the SA decided not to go forward with it." She conceded the issue might be dead since law students who recall the days of free printing dwindle with each passing year.

Of course printing may become obsolete when all incoming 1Ls arrive with laptops. "My initial reaction was, 'Oh my gosh, how are people going to afford laptops?'" she admitted. "But it's made my life a lot easier. Plus, the library computers are not that good," she smiled.

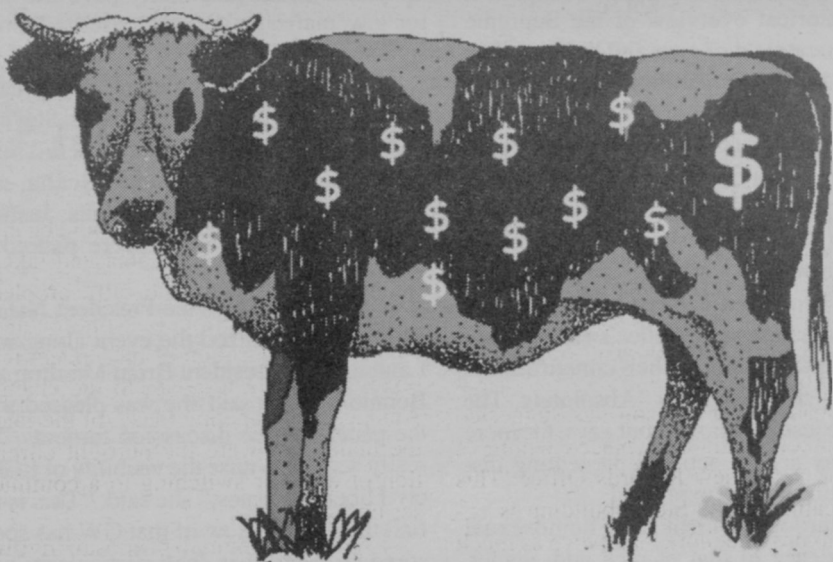
The laptop requirement was one of several decisions the administration seemed to make lately without student consultation, a trend that concerns Westbrook. "I don't think the administration is evil and doesn't care what students say. But they're not going to go out of their way to have the students put up a fight." She hopes getting off to a good start with strong communication will resolve many of the problems faced this year. "Every dean I've met with has been very open with me if I ask them straight-up."

While juggling all this and helping other law students, Westbrook also hopes to enjoy her last year of law school and prepare to meet her post-graduation goals. Like passing the Bar, she says.

"Eventually, I would love to be a federal prosecutor." She pauses for a second and proceeds. "I did the trial court competition," she laughs. "I didn't make it."



SBA President Corrie Westbrook chats with 2L Anne Seymour.



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## News

## GPA Curve Raised

By BRANDON BRISCOE  
News Editor

The mandatory grading curve for first-year classes and large upper-level classes will be raised two tenths of a point next year after the faculty approved a proposal at its meeting Friday. The plan tweaks a number of other grading rules, including changing the definition of small classes from those with fewer than fifty students to those with enrollment below thirty-five.

The debate on the proposal waged for more than two hours with professors raising a number of concerns about the purpose of grading, the quality of GW students, and students' best interests. Amendments and amendments to amendments were offered before the plan finally passed in a secret ballot called by Professor Roger Schechter. The original proposal was the work of the Curriculum Committee and was presented by Dean Jeffrey Gutman and Professors Orin Kerr and Steven Schooner.

Citing his experience as a student at Harvard and as an adjunct professor at Georgetown, Kerr said he first considered raising the curve when he graded his first set of GW exams last year. "I was surprised. The curve struck me as lower than I've seen and lower than at Georgetown where I taught."

Kerr worked over the summer to prepare a report comparing the GW grading curve to that of other law schools. Most of the schools he surveyed use a slightly higher curve than GW, he said.

"The signaling effect of the grade no longer works if one school decides to use a curve that is significantly off," Kerr said. "If GW is using a roughly 3.0 curve and other schools are using a 3.2 curve, employers are not going to recognize how good our students are."

Schooner laid out the specifics of the new plan. "Overall, we were trying to take a conservative approach," he said. "We're not trying to get out ahead of anyone - we just want to close the gap."

Schooner explained that the curve would be applied to next year's small sections of first-year classes and that the grade distribution would also move with the curve's mean. "The current requirement is fifteen percent C's of some flavor. We would reduce that to five percent." He added that GW would still be an exception among the top thirty law schools for mandating any C's at all.

The faculty initially greeted the proposal warmly. Professor Gregory Maggs was the first to speak, suggesting the plan go even further. "It sounds like even with this proposal, we'll still be behind. If we're going to do this, shouldn't we go the whole way?" he asked.

Dean Michael Young said he fully supported the proposal. "This seems to me to move us very much in the right direction," he said. "I really, strongly encourage us to do what we need to do."

Young said he had talked with more employers than anyone in the room and had heard consistently from them that the recently abolished class-rank system and the lower grading curve handicapped GW students. He argued that GW grades needed to be weighted the same as those of other schools. "However much you try to educate hiring partners at a firm, at the end of the day, an A is an A and B is a B."

Fred Thrasher, who directs the Career Development Office, agreed. "Just this past fall, a hiring partner in a top twenty New York law firm asked me, 'How come the GPAs of the students we see from GW

are so much lower than the ones we see from Fordham or NYU?'"

The plan's most vocal supporter was Professor Stephen Saltzburg. "I taught Evidence at Georgetown the same time I taught it here. Same course, same book, same exam," he recounted. "Our students across the board outperformed the Georgetown students, but I ended up giving the Georgetown students better grades. The whole time I was doing it, I was creating jobs."

The debate quickly shifted as opposition was voiced.

Professor David Robinson pointed out that the committee's research compared GW almost exclusively to schools ranked higher by *U.S. News and World Report*. He suggested students at better schools deserved better grades. "We don't have a very high bottom. The bottom of our classes is significantly less than that of other schools," he said. He also argued that there would be a backlash in future hiring if unqualified GW students land jobs through inflated GPAs.

Schechter agreed. "I would be a lot more comforted if I could see data from Hastings or Fordham or the University of North Carolina or Wake Forest - schools that are directly our peers," he said. He also noted that based on LSAT scores, a student in the top quarter of this year's incoming GW class would barely be in the bottom quarter of those at schools examined in the committee's report.

"I see students whose writing skills need a great deal of work," he elaborated. "I see students who come up to me after class who just don't get it - who are analytically out in the woods." Schechter said the faculty could only compare GW students with each other, not with students from higher-ranked schools.

He offered an amendment to the plan, calling for a published ranking grid to accompany the raised GPA. "I can live with this proposal or any other adjustment in our grades if it is coupled with some form of anchored comparison." The amendment was later defeated.

Professor Arthur Wilmarth also doubted the proposal. He said schools with inflated GPAs were being deceptive. "They're hiding the fact that a person with a B average is not even in the middle of the class." He also called for a ranking system, arguing that with increased GPAs, students would have no motivation to work.

Other professors quickly defended the proposal.

"I actually thought this proposal would have been so obvious as not to warrant discussion," said Professor Larry Mitchell. "Do we grade to evaluate? No. We grade to distinguish. The second reason we grade is for marketing purposes."

He discounted the need to use grades to motivate students, saying professors should motivate students with interesting classes. "Frankly, these are fairly smart kids, and they want to learn. As far as motivation, I think it's awfully demeaning to our students to think they are only motivated by grades."

He also said grades had little predictive effect for employers anyway. "The grades you get on law school exams qualify you for one job and one job only - and that's this one." He said success in legal practice is based on skills like negotiating and speaking in court. "Those are things we don't grade at all."

## Sodomy Case Discussed

By SARAH HENSLEY  
Staff Writer

Can the government dictate what goes on in the bedroom? Last week, the Supreme Court heard the case of *Lawrence v. Texas*, which will effectively answer that question.

Lambda Law hosted a panel discussion March 24th to analyze the case, its legal history, and its potential impact. Moderated by Professor Orin Kerr, the panel featured Sharon McGowan, Esq. of Jenner & Block who helped represent Lawrence, Liz Seaton, Esq. of the Human Rights Campaign who authored an amicus brief in the case, and Joyce Murdoch, who wrote *Court-ing Justice: Gay Men and Lesbians v. the Supreme Court*.

*Lawrence v. Texas* arose from a false report that led Texas police to the bedroom of John Lawrence where they found Lawrence and Tyron Garner engaged in a consensual sex act. The men were arrested, imprisoned overnight, and charged with deviant sexual conduct. The men did not contest the facts; instead they sued on the theories of equal protection and right to privacy.

Initially, the defendants won on the grounds of sex discrimination - Texas is one of only four states that have laws prohibiting certain sexual acts between partners of the same sex. Their victory, however, was short-lived. The Texas Supreme Court sitting *en banc* overturned the decision. The U.S. Supreme Court then granted *certiorari*.

Before the panel analyzed the legal theory behind *Lawrence*, Murdoch gave a brief historical overview of the Supreme Court's treatment of gays and lesbians. She observed that although the Supreme Court first seemed to support homosexuals by upholding the right to create gay publications, the opinions changed when the cases moved from publications to individuals. She said that recent cases show a more positive trend, however.

When asked if there is a correlation between an individual justice's views on homosexuals and his or her constitutional analysis, she answered, "Absolutely. The more the justices know about gays, the more open they are [to actively preventing discrimination]," she explained.

Murdoch also likened homosexual jurisprudence to that of race and gender. "The Court has been more wrong about other decisions and have changed their minds," she said. "That's why I'm hope-

ful."

Next, McGowan gave an overview of the case theory. She said that in addition to the equal protection and privacy claims, *Lawrence* specifically asks the Court to overturn *Bowers v. Hartwick* in which the Court upheld Georgia sodomy laws. McGowan said she felt that the equal protection claim was the strongest, explaining that the Texas criminal law prohibiting sodomy unduly burdened a disfavored minority, effectively making homosexuals "second class citizens."

She observed, nevertheless, that the right to privacy claim may appeal to the more libertarian judges because the law under which Lawrence was convicted affects the right to intimate association, the privacy interest of a citizen in his or her private home, and the right of bodily integrity. Additionally, she noted that Texas's only defense was public morality. "No state law has ever been defended on a theory of morality," she said.

Finally, Seaton illuminated the "other" effects of the sodomy laws. Men prosecuted under the law are convicted criminals. They have to register as sex offenders; thus, they cannot hold certain jobs and may receive adverse treatment from their neighbors.

But the laws also have "ancillary effects." She cited one case in which a contract involving a house shared by a lesbian couple was not enforced because acts of sodomy (criminal acts) happened within it. "Once the sodomy laws are gone," she said, "other anti-discrimination laws will be possible." She also said that cases like *Lawrence* could potentially pave the way for gay marriage and increased adoption rights.

Predicting the outcome of the case, the panelists agreed that Justices Stevens, Ginsberg, Breyer, and Souter were "safe" bets while Justices Thomas, Scalia, and Rehnquist were likely opponents. Justices Kennedy and O'Connor were picked as swing votes.

Lambda Law Vice President Natalie Chin, who organized the event along with Lambda Law President Brian Moulton and Bonnie Miluso, said she was pleased with the panel and the discussion turnout. "We really wanted to raise the visibility of LGBT civil liberties issues," she said. "This is the first time that I know of that GW has sponsored an event that dealt particularly with legal issues that affect the lesbian, gay, bisexual, transgender community."

then you're just wrong."

Professor Bradford Clark said GW's reputation already hurts students. "They get penalized just because of the school they list on their resume, and we shouldn't penalize them more by giving them lower grades." He also moved that the plan be implemented this semester, but that motion was defeated.

The faculty also learned that the Elliot School vacated Stuart Hall last week, paving the way for the law school takeover. "You may have noticed construction workers were pouring into the building already with demolition tools in hand," said Dean Roger Trangsrud. He said the workers will be racing to complete the work in an extremely tight time frame.

Clark asked faculty to get letters of recommendation for students seeking clerkships turned in before classes begin in the fall, and Professor Burlette Carter told the faculty they would be receiving new computers next year.



# CONTINUED NEWS

## NOTA BENE FROM PAGE 1

conflict of interest in having a student newspaper being economically subject to a political organization, Dean Tom Morrison replied that, "there is no organization better positioned than the SBA for making funds available to the paper." Said Morrison, "The *Nota Bene* is a student-run newspaper designed for the benefit of the students and has been responsive to [them]."

Hershfield expressed his disappointment in the plan. "It's not the situation I desired or expected.... I don't know how many issues we're going to have [next year]." Earlier in the year, Hershfield addressed budgetary concerns by the administration by implementing a stricter financial policy to avoid a shortfall at the end of the year. "We worked very hard to have a solid budget," said Hershfield. Budgetary adjustments for the 2002-2003 fiscal year have included reductions in content and exposure as well as one member of the editorial staff working on a voluntary basis.

The newspaper has implemented a plan to combat the current situation. The four-pronged plan, according to Hershfield, includes a memo to the faculty explaining the conflict of interest created by placing the paper under the SBA, and by extension, under the Student Association as well. "The faculty should be concerned with this because in theory it is a bad idea to be run under any government, especially the student government," he said.

Some faculty members agreed. Professor Gregory Maggs said, "It is important to have an independent and free student newspaper for obvious reasons."

The paper will also run a house editorial asking students to show their support

in the form of a petition, handled by staff writer Sarah Hensley. Said Hershfield, "We will target about 300-500 students to show that a significant portion care... that we're just students taking on the most powerful person in the Law School, and it's an uphill battle." The newspaper also hopes to meet with Young to discuss the situation and find alternative ways to address his concerns.

Dean Young did not comment to *Nota Bene* regarding this matter and could not be reached due to geographical concerns. SBA president, Corrie Westbrook said she was reluctant to see the paper move under the SBA umbrella. "I think it's valuable for students to have an outlet for their frustrations about the school other than just to each other." Westbrook did not comment on the SBA's position in the matter.

When asked if the current decision paralleled recent actions by the administration to curtail student groups, mainly the closure of *The Environmental Lawyer* and various clinics, Dean Morrison said that, "the issue [referring to the TEL closure] was misinterpreted and misreported by the *Nota Bene*." He added, "On a personal note, the Dean and the SBA president should freely discuss these matters without any representation of the student groups during such meetings."

Responding to rumors that Young made this decision in response to the content of recent editions as well as dwindling readership, Hershfield said, "I don't agree with that. It is very obvious to anyone who has been at this law school for over two years that the quality of the paper has improved dramatically."

## CLERK FROM PAGE 1

ington. "I look forward to the honor of working for Chief Justice Rehnquist and gaining another brilliant mentor. I only can imagine that any expectations I may have about the grandeur of the Court will be exceeded." Gilligan is one of very few GW grads to have been given a Supreme Court clerkship. However, being the "toughest job to get out of law school," a clerkship of this nature is rare for a student from almost any institution. "There are only thirty to thirty-five clerkships available from a pool of students from about fifty schools," said Young. "We are pretty well represented." "Obtaining a Supreme Court clerkship does have a lot to do with the reputation of the law school," explained Professor Brauneis, who also clerked for the Court. "However, Chief Justice Rehnquist is usually a little more willing to field clerks from a larger pool. He has had good experiences with GW grads and keeps coming back." Young feels that GW Law School has a special advantage that helps not only in clerkships, but also in legal careers in general. "We teach the law," the Dean stated. "We don't stint on theory. We put theory into the context of real law. This serves our graduates well in practice." In addition to the work itself, Gilligan will be able to fraternize with top-notch company. "Looking back, I realize how many things I did not understand at the time," says Professor Greg Maggs, who clerked for Justice Kennedy in 1989-1990 and Justice Thomas in 1991-1992. "Fortunately, I was working with many other very talented people." Gilligan has left her own legacy here at the Law School. "She is just an outstanding person who is incredibly intelligent, has a great

sense of humor, and is about as genuine as one can be," said 2L Ann O'Connell, who had Gilligan as a Dean's Fellow last year. "To me, Courtney's best quality is that she never acts like she is better than anyone else, no matter what she adds to her resume. Though she is incredibly busy with her current federal appellate clerkship, she still always takes time to keep in contact with her former students. During the year that Courtney has been in Fargo, I have contacted her regularly with continuing questions about law firms, clerkships, scheduling, and even computer questions. She always sets aside time to answer my questions and do whatever she can to get me on the right track. I am very excited that she will be returning to Washington next year." Gilligan knows what is involved in order to obtain difficult and sought-after positions. "It takes a lot of perseverance and probably the same amount of luck," she says. "You must be self-motivated. [However], I can tell you that the faculty and staff at GW will do everything within their power to help you obtain whatever goal you set for yourself." "I would encourage every student that is interested to clerk," advised Gilligan. "[However], I will say that clerking is probably not for everybody. If you do not enjoy legal research and writing, then clerking is probably not for you. [Nevertheless], it is, in my opinion, an invaluable fourth year of legal education. The exposure to a broad spectrum of contemporary legal issues, as well as the honor of serving as an advisor in real decision-making, make clerking both rewarding and challenging."

## ILLEGAL FROM PAGE 1

the voting, and they couldn't vote because of the problems in the way the election was run."

But the greatest concern that law students expressed was their discomfort with turning over their student identification number, which for most is their social security number. 2L Troy Byers commented, "I felt uncomfortable about giving them my ID number, and I hesitated a lot. I didn't understand why they needed that number."

Famuyiwa said, "I'm active in the student government, so I had to vote. But if I was another law student and I had to pick between giving up my social security number to vote and to not vote at all, I'd pick the latter." Three LLM students indicated that they refused to vote because they did not want to give anyone their ID number, which is their social security number.

Section 37 of The Joint Elections Committee (JEC) charter provides that "The Committee shall provide two pollbooks upon which shall be entered the name, academic school, student identification number, signature of the voter, along with their ballot number..." It continues, "The pollbooks shall be kept by the Committee, and open for public inspection, for a period of at least two years following the conclusion of the election."

When questioned about the fear that students have in providing their student ID numbers to the public, Junior JEC chair Christina Vamvas stated, "Any student is allowed to come to the JEC and look at the pollbook, but it must be in the presence of a JEC member. If someone tries to write things down while looking at the book, it will not be allowed." One 2L found this explanation to be without merit. "The fact

of the matter is that students remember ten-digit phone numbers on a daily basis without even writing them down. Student ID numbers and social security numbers, which are almost always one and the same, are only nine digits long. Members of the public would not need to write the ID number down in order to commit that type of fraud."

Vamvas asserted, "If students have a problem with their social security numbers being viewed by the public, they can easily go to the registrar's office and have their ID number changed." But Banzhaf retorted, "It makes absolutely no difference whether the pollbooks are hosting only student numbers or social security numbers and whether those are largely the same or not. The Federal Educational Rights and Privacy Act is clear, and you cannot require disclosure of student ID numbers."

Banzhaf provided a number of cases that clarified the illegality of making student ID numbers public. *Letter to Shea*, 36 IDELR 7 (FPCO 2001) was a case in which a student's ID number was mentioned during a meeting, and The Family Policy and Compliance Office wrote, "The student's privacy rights were violated by stating the student's identification number during the meeting, since 'personally identifiable information' includes Social Security numbers, student identification numbers and personal characteristics." *Letter to Front Range Community College* (FPCO 2002), was a case where students were required to write down their social security number and their student ID number prior to entering a college laboratory. The numbers were visible to other students who used the lab. "The Family Policy Compliance Office informed

the college that the current sign-in sheet for computer lab use was a violation of the Family Educational Rights and Privacy Act." Banzhaf was disappointed that this illegal activity had gone unquestioned by law students for so long. "I'm quite amazed, shocked, disappointed, and outraged that law students apparently are not voting because of a fear of this disclosure. This is something that affects not only how much money we get but also our ability to influence the election. Students did nothing about it; they simply gave up their vote and walked away."

Banzhaf indicated the simplicity with which he conducted a search, "The research I did here took me no more than thirty minutes. I simply entered the words 'student ID number,' 'university,' and 'privacy' and the stuff came up. So why is it that no one did less than an hour's worth of research to confront the administration with, much less sue the hell out of them? To me this is very disappointing and shocking."

When questioned about the possible repercussions for the illegal activity that has taken place, Professor Banzhaf pointed out *The Enrollment Management Report Volume 6 number 12, February 26, 2003*, which is available on Lexis Nexis. In this report was a letter regarding Gardner-Webb University that stated the following: "At an impromptu meeting of faculty, the dean of academic affairs and the assistant dean presented a student's academic records. This was a blatant violation of the Family Educational Rights and Privacy Act and a serious breach of the contractual agreement between the university and the student. They were relieved of their positions." Banzhaf noted, "This was one student and

one violation. What we are dealing with is not a 'whoops I'm sorry' type of situation. There could be potential serious liability for the University and the folks involved, including the students on the JEC."

SA Law Senator Mark Hershfield, an SA senator, will be sponsoring legislation to protect students' privacy that he expects to pass easily. "It's suspect as it is to require a student ID, which for ninety-nine percent of people is their social security number, and it is more suspect to have it be available to the public. The identification of students for election purposes has to be done in a manner that is consistent with law and public policy."

He said four senators (to date) are co-sponsoring his legislation, which will ensure that only JEC members will ever be able to see student ID numbers. Hershfield hopes his colleagues will join him in suspending the rules so the bill will pass at the next meeting. "Due to the severity of this issue, two [extra] weeks is too many," he said.

Banzhaf has decided to send a legal letter to the JEC and to the registrar advising them that they are in probable violation of federal law. He added, "I'll look into bringing the appropriate legal action."





## NEWS &amp; OPINIONS



## Court Watch

BY SAMIA NASEEM

*Spy Sentenced for Attempted Treason*

Brian P. Regan, a retired Air Force master sergeant, was sentenced to life in prison without parole for offering to sell intelligence secrets to Iraq and China.

Regan's sentence, which was negotiated between his lawyers and prosecutors, provided that the government would not prosecute his wife, Anette. In exchange, Regan and his wife agreed to inform the government of any information they have given other countries and to submit to lie detector tests.

Regan argued that the sentence was too harsh, but Judge Gerald Bruce Lee of Federal District Court in Alexandria, Va. scolded, "You betrayed your country's trust. There is no doubt that your attempted espionage put our nation's intelligence-gathering at risk."

Regan first worked at the National Reconnaissance Office (which operates the government's spy satellites), for the Air Force, and then as a civilian employee for the defense contractor TRW. He was arrested in August 2001 at the Dulles Airport because he was carrying information about Iraqi and Chinese missile sites and had the addresses of their embassies tucked in his

shoe. Apparently, Regan had also written letters to Iraq and Libya offering to sell U.S. intelligence for thirteen million dollars.

*Supreme Court will not Interfere with Wiretap Ruling*

The Supreme Court recently declined to review a wiretap ruling that gives the Justice Department broad powers to use wiretaps in terrorist prosecutions. The ruling that was made last year removed the barrier between wiretapping for intelligence gathering and wiretapping for criminal investigations. Where prosecutors were reprimanded for using the guise of intelligence gathering to conduct criminal investigations, they are now able to investigate without the interference of standards, which a review panel called "dangerous to national security."

The American Civil Liberties Union, the National Association of Criminal Defense Lawyers, the American-Arab Anti-Discrimination Committee, and the Arab Community Center for Economic and Social Services, a Michigan-based organization, were unhappy with the decision. They argued that cases of such magnitude "should not be finally adjudicated by courts that sit

in secret, do not ordinarily publish their decisions, and allow only the government to appear before them."

*Chief Executive of U.S. Technologies, Inc. Indicted*

A federal grand jury indicted Gregory Earls, the chief executive officer of U.S. Technologies, Inc. for stealing more than a million dollars from investors who believed they were investing in U.S. Technologies' securities. The indictment charges that Earls raised \$5.3 million but only forwarded four million dollars to the Internet company. He was also indicted for stealing \$13.8 million of twenty million dollars that he raised from similar investors. He gave the money to his ex-wife and children for their education.

Former F.B.I. director William H. Webster revealed last year that he had led a company audit committee for U.S. Technologies. Webster resigned after the disclosure.

Earls faces several counts of mail fraud, wire fraud and securities fraud, which carry a maximum penalty of ten years in prison. Earls swindled investors for five years.

*Elizabeth Smart's Abductors Charged*

Brian David Mitchell, forty-nine, and his wife Wanda Barzee, fifty-seven, were charged in Salt Lake City with aggravated kidnapping and aggravated sexual assault of Elizabeth Smart. Smart was abducted at knifepoint from her home in June of 2002 and found recently in Salt Lake City.

Mitchell and Barzee claimed that they kidnapped Smart because they received divine commands to build a polygamist family with seven young wives. Prosecutors have raised sexual assault allegations despite the Smart family's privacy concerns in an attempt to label Mitchell as a sex offender and protect others from him.

Police reported that Smart was held at a campsite only a few miles from her Salt Lake City home for two months and later spent time in downtown Salt Lake City. Smart apparently had opportunity to escape but did not because she had become psychologically attached to the couple.

The charges against Mitchell and Barzee include aggravated kidnapping, aggravated sexual assault, and aggravated burglary. They were also charged with attempted aggravated kidnapping based on a failed attempt to abduct Smart's cousin.

## LETTER TO THE EDITOR

**We Didn't Finish in 1991 and a Half Million Iraqi Babies Died**

BY RAY MING CHANG, IL

I am a staunch supporter of a citizen's right to protest, perhaps more so since I was arrested during the World Bank protests last September. But as I watched the worldwide protests against the U.S. war in Iraq on my television, I wondered whether they were right. The current U.S. intervention, dubbed Operation Iraqi Freedom, has been called an immoral war, a war for oil, and an illegal war. I believe that Operation Iraqi Freedom is a just war, not a war for oil and an arguably legal war.

Protesters seem to think that Operation Iraqi Freedom will hurt more civilians, especially the children, than it will help. That is not true. UNICEF (a part of the United Nations) issued a report in 1999 regarding the mortality rates of Iraqi babies under the age of five. UNICEF found that 500,000 babies died needlessly from 1991 to 1998 in Central and Southern Iraq. Not surprisingly, UNICEF found that child mortality fell in the U.S. protected autonomous Northern Iraq region. The stark difference between the U.S. protected North and the rest of Iraq is directly attributable to U.N. sanctions and because of the recalcitrant Saddam Hussein regime. Since 1999, thousands more Iraqi babies have died because of Hussein.

Unfortunately, in any military action, civilians will likely die. Iraq claims that 2,278 civilians were killed during Operation Desert Storm (back in 1990 to 1991). Hopefully there will be fewer deaths in Operation Iraqi Freedom.

I know it is horribly morbid to balance numbers of human deaths but I think it is necessary. We know that about 500,000 Iraqi babies died needlessly from 1991 to 1998 and probably a few hundred-thousand have died since. And we can add the deaths from malnutrition of children over five years old, deaths from malnutrition amongst the general population, deaths from lack of medical care, deaths from Hussein's purges, and various other deaths directly attributable to Hussein. On the other side of the scale, hopefully less than 3,000 civilian lives. I think the math, as well as the weight of innocent lives lost because of Hussein, strongly supports a war to get rid of a very very bad man and his regime.

As I write, five days into the war, the Iraqi government has claimed that fifty civilians have died because of U.S. bombardment. In those five days, about a thousand babies died because of Hussein's regime. My fear is that Hussein will exacerbate any humanitarian crisis by destroy-

ing infrastructure or turning off essential utilities as he did in Umm Qasr where he cut off water supplies before the U.S. even attacked.

I often hear the slogan, "No War for Oil" or something similar. I wonder, is this a war about oil? Iraq exports almost as much oil today as it did before Operation Desert Storm back in 1991. The war actually increases the price of oil for the U.S. If the U.S. only cared about oil, then it would make sense for the U.S. to be very friendly with Iraq. If the U.S. only cared about oil, then the U.S. should not care about what weapons Iraq has, whether Iraq

***If the U.S. only cared about oil, then the U.S. should not care about what weapons Iraq has, whether Iraq has an oppressive regime, or that millions died because of that regime; just as long as Iraq keeps on pumping that oil.***

has an oppressive regime, or that millions died because of that regime; just as long as Iraq keeps on pumping that oil.

The U.S. is also very likely to spend more than a hundred billion dollars of our taxpayer money on this operation. U.S. soldiers will die and Iraqis will die. Our leaders would have to be really dumb to fight a war for oil that has so many costs associated with it. It just doesn't make sense to invade Iraq if Operation Iraqi Freedom was just about oil. I find the argument that this war is about oil very unpersuasive.

France, other countries, and protesters argue that the present U.S. intervention is illegal. I admit I am uncomfortable with unilateral action by the U.S. and only somewhat mollified by the assistance of our "coalition of the willing." But I find the Bush administration's argument that military action is legal somewhat compelling. I understand that the Bush Administration concentrated on the weapons of mass destruction rationale because of the Self-

Defense Clause of the U.N. Charter, but I think there are stronger legal arguments for the war. Iraq has violated more than fifteen U.N. Resolutions. Resolution 678 explicitly allowed enforcement by any nation of all "relevant resolutions." Resolution 1441 did not specify a deadline but it did promise grave consequences for breach. Iraq has also been violating the cease-fire for the last twelve years by shooting at U.S. planes.

Here's a short history of the U.N.'s dance with Iraq. The U.N. Security Council passed Resolution 660 requiring Iraq to leave Kuwait. In November 1990, the Security Council passed Resolution 678 that authorized U.N. Member States "to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area." Resolution 687 was passed and accepted by Iraq in April 1991 and required destruction, removal, or rendering harmless of weapons of mass destruction and ballistic missiles with ranges over 150 miles. The U.N. passed Resolution 715 in October 1991 requiring that Iraq accept inspectors **unconditionally**, yet Iraq has continued to delay and deny permission for many inspections. The U.N. also passed Resolutions 686, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and the list goes on; all of these resolutions have been violated by Hussein's Iraq. U.N. Inspector Hans Blix, twelve years later, still found weapons that violate those resolutions. I think the passage of another resolution would mean squat.

I also find it amazing that many people have so much faith in inspections. The one hundred and nineteen U.N. inspectors that were conducting inspections could not possibly inspect all of Iraq, especially when a regime actively goes out of its way to hide things. Think about it, Iraq is about the size of California and California has about 73,000 police officers who cannot possibly know the location of every marijuana garden or arms cache in California.

If we let Hussein stay in power for another twelve years, more than 500,000 Iraqi babies will die as well as countless others. Operation Iraqi Freedom will hopefully prevent those deaths and unfortunately a few thousand civilians will die. This war is not just about oil. And this war is arguably legal since military action was authorized by Resolution 678. I support Operation Iraqi Freedom; unfortunately I do not have a catchy slogan.



## FAKE NEWS

# Professor Peterson to Seek Democratic Nomination

By MARK HERSHFELD  
President of Erik Baptist Fan Club

In recent months, several candidates have announced their intentions to seek the Democratic nomination to take on President George W. Bush in 2004. Today, the list will gain another name and one familiar to the GW law school community. Today Professor Todd Peterson, in a news conference at the media building across the street from the Law School, will officially throw his hat into the presidential race.

Peterson, before joining the faculty at GW, served in the Department of Justice's Office of Legal Counsel. In 1997, Peterson returned to the Office of Legal Counsel to serve as deputy Attorney General. Peterson has developed a strong following as a professor at this law school. "He is certainly a well-liked and admired professor, especially among the female students," said Professor Jerome Barron.

Reaction to this expected announcement was mixed among faculty members and administrators. "Todd [Peterson] would make a great President. He is intelligent, articulate, and he even knows more about constitutional law than me ... he's a Democrat of course, but not everybody can be perfect," said Professor Brad Clark. Dean Michael Young was more reserved in his assessment of Peterson. "Sure he is one of the best professors we have at this institution, but that isn't saying much," he said. Professor John Banzhaf, on the other hand, seemed miffed at the idea of Peterson seeking the Democratic nomination. "I conducted a survey of my classes, and they think I am the most qualified professor to run for the presidency, I swear," he said.

Peterson's Presidential platform will focus on civil liberties and better race relations in this country. These positions are consistent with his previous service on the D.C. Circuit Special Committee on Race and Ethnic Bias. Peterson said while he doesn't agree with the President on Iraq, he feels it's his duty to support the President in international affairs. "Hey, I don't like practically any of [Justice] Scalia's

opinions, but I respect the fact that he is a Justice on the Supreme Court," he remarked.

Peterson chose to register as a Democrat after a chance meeting with President Bill Clinton while serving in the Office of Legal Counsel. "We sat around throwing back a couple beers and talked about the law and women and we realized we had a lot in common," he remarked. "I decided that if this man was a Democrat, that is what I would be." Peterson made the decision to pursue the nomination after surveying the field and talking to several students. "I realized students were not happy with the current Democratic field, and I thought to myself, why not? I mean, if we had Slick Willy as President, why not the Silver Fox?"

Peterson over the past couple weeks

has approached various campus student groups for support. "Peterson is our man for President," stated Aaron Tax, President of the GW Law Democrats. "He is a great professor and he is one of the few professors who has agreed to come and speak to our organization." Peterson has also actively sought the support of the SBA. "We are thinking of endorsing him, but our endorsement doesn't seem to carry much weight [after the recent SA elections]," stated SBA President Corrie Westbrook.

Perhaps, Peterson's biggest challenge is securing the support of the *Nota Bene*. "I know I made their 'Shameful Six list,' but I had to travel around the country to gauge public support." He went on to explain, "Besides I had three of the current editors in my first-year Civil Procedure class, so I don't think it will be a problem, if you

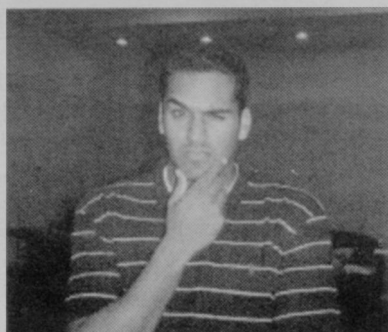
catch my drift," he explained.

Peterson's official campaign slogan is "Give Todd the Nod." He is currently accepting campaign donations from law students, which has caught the ire of at least one professor. "I am concerned that Professor Peterson has come dangerously close to crossing that imaginary ethical line," remarked Professor Bob Tuttle. "I think random envelopes with cash below his office door are acceptable, but not actual checks from law students."



Professor Todd Peterson: Sex Symbol, President, or both?

**"I am concerned that Professor Peterson has come dangerously close to crossing that imaginary ethical line," remarked Professor Bob Tuttle. "I think random envelopes with cash below his office door are acceptable, but not actual checks from law students." Professor Bob Tuttle**



# Library to Undergo Underground Expansion

By EDDIE GOMEZ  
Dean Young's Best Friend

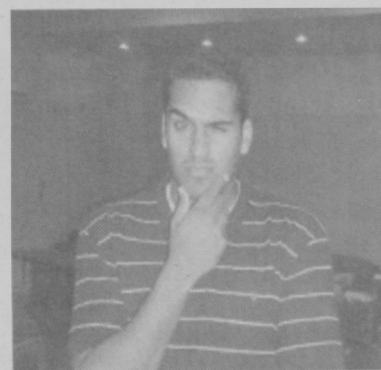
The Jacob Burns Law Library is growing. For the past few years, there has been heated debate concerning the adequacy of the library. But the problem seemed to have no solution because of one critical factor: the library had nowhere to expand.

Over the years, plans have been formulated in order to expand the library. Most have focused on either adding two new floors to the library or on relocating the library. With the addition of Stuart Hall next year, serious plans were under way to move the library to the new building and to use the old library for a general study area. Unfortunately, the same problem has arisen. There is no room in Stuart Hall for a library, and the Law School is not willing to spend more money renovating a portion of the building for use as a library. "It would cost us almost as much as it cost to build the building itself in order to convert the eastern wing of Stuart Hall into a functional library," said Dean Michael Young. Young has made solving "the library problem" his personal mission. "I really have a passion for this and I think the weakest link in the chain is the library. We have to find some way to either grow or move," he said.

The idea of adding two new floors to the library has been tossed around since the beginning (the "beginning" of the library discussion being around 1991, according to Dean Rene Devigne, another member of the administration that has been heavily involved in the library debate). The problem with adding new floors is twofold: First, it would shut down the library for an extended period of time; second, the way the library is designed would make it impossible to extend the elevator shafts upward.

The current administration thinks that the answer is to expand downward. Under the new plan, the library will add two new floors underground. "By building below ground, the problem with the elevator shafts is solved and the library could remain open during the entire construction process," stated Devigne. Under the current plan, which will cost over three million dollars, construction is slated to begin next October and should continue for almost two years. "The plan is ambitious, but no Top Tier law school has ever done anything like this. After all is said and done, our library will be unmatched," bragged Young.

The solution also satisfies those who thought that the family of Jacob Burns would be upset by moving the library. "The plans involving moving the library to another location did not sit well with the Burns family. In 1938, Wanda and Jacob Burns donated one million dollars to the Law School for the construction of a law library 'to be kept on the School's premises.' A move would have violated that agreement and the school did not want to go against the wishes of such a benefactor," explained Devigne. The new plan is not only groundbreaking, it will satisfy everyone involved. "Only a few times in someone's career does a plan like this come along that manages to make everyone involved happy. This will hopefully show those who deal with other seemingly insurmountable obstacles to look where they normally don't think of looking for a solution. You never know what you might dig up. Pun intended," joked Dean Young. It seems as if our beloved Dean has solved a problem yet again by running an established institution into the ground.



# Adios Kristen and Sarah

The *Nota Bene* is saddened to announce the end of the column "The Adventures of Kristen and Sarah." During this academic year this "sex column" established a large following. Many male law students commented that this column made them change their day-to-day activities. "Man, I was afraid to go out to bars anymore ... I mean I didn't want my girlfriend, I mean ex-girlfriend (wink wink) to see my name in this paper in that light," explained a 3L.

Mindy Mannlein, the main author of this column, is departing due to financial and journalistic concerns. "It was getting to the point where I had no independence in my writing. I mean, one of the Editors [of the paper] even followed me to Panama

City, FL over spring break. Also, the pay really sucked." She also added that at the new publication she was going to "the guys treat women like princesses and they even call the next day." [Editor's note: We are withholding the name of this publication for fear of a mass exodus of our "two" remaining female staff writers.]

Students were saddened by the news that this column would no longer appear in the paper. "Without Kristen and Sarah, there really are no women in this area that I have any chance of hooking up with," explained 2L Erik Baptist. Of course, one individual was pleased with this news. "With those two sluts out of the way, I am finally gonna get some sex in this city," commented 1L Sarah Hensley.



## MORE FAKE NEWS

### Nota Bene Receives Area Journalism Award

By MARK HERSHFIELD  
*Shameless Self Promoter*

Last Thursday at a press conference, the Washington News Media Association ("WNMA") announced that the *Nota Bene* received the award for Best Newspaper in the Washington, D.C. Metropolitan Area. In winning this award, the *Nota Bene* beat out last year's winner *The Washington Times* and the coveted *Washington Post*. Dave Mustaine, the Chairman of the WNMA explained that the *Nota Bene* received this award in part due to "its objective coverage of the Student Association," and "those entertaining sex columns."

News of this award reached the attention of Dean Michael Young. Young reacted to the news by exclaiming "what the &\*\$%?"

After calming down, Young reiterated his belief that the *Nota Bene* is "a rag" and he remarked that, "things were better when I could do whatever the hell I wanted without some idiot students criticizing me and my decisions." Dean Roger Transgrud, on the other hand, was delighted with the news that the *Nota Bene* received such an award. "See what happens when you put my picture on the front page in every issue? What can I say ... the ladies love me."

Among the faculty, news of this award was generally greeted kindly. "I am such a *Nota Bene* groupie," explained Professor Luize Zubrow. "I have grown to love this paper and it's about time somebody gave these students the props they deserve." Professor Mary Cheh similarly expressed her excitement with this news. "Just two years ago we [the professors] used to make fun of the paper and use it for toilet paper, but now it's a shining example of what fair and balanced news reporting is all about ... Fox News, eat your heart out." Professor John Banzhaf, however, was appalled by the news of the *Nota Bene* receiving this award. "How could they reward this newspaper instead of me?" he asked.

"People want to read about Banzhaf 24-7, not about what's going on at this law school," he explained.

The faculty was similarly divided on what has made the newspaper worthy of this award. "Personally I like the sex columns," stated Professor Todd Peterson. "I was never down with Bill & Ted, but Kristen, Sarah,

and that Sexless chic can hang with me any time they want." Professor Orin Kerr agreed. "I am not ashamed to admit that I read *Maximus* and *Sexless in the City* all the time, because the authors were in my class." He went on to emphatically note that he does not "need advice or anything on any of that stuff." Professor Roger Schechter on the other hand noted that

**"I find the news section to be a great asset in keeping students and faculty up to date on what goes on at this institution ... now if they would just lobotomize Hershfield's Head, the paper would be perfect," Professor Roger Schechter**

the *Nota Bene* has done a good job covering important issues at the law school. "I find the news section to be a great asset in keeping students and faculty up to date on what goes on at this institution ... now if they would just lobotomize Hershfield's Head, the paper would be perfect," he commented.

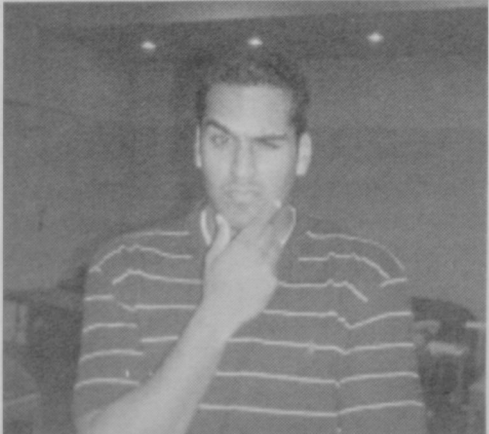
Mustaine disagreed with the professors on why the *Nota Bene* deserved this journalistic award over the other area publications. "We like to look for newspapers that embrace all members of society," he said. "That [Erik] Baptist kid is one loser, but they still give him a column every week. That is the kind of sympathy and kindness we like to see in

an area publication," he explained.

News of this award was not well received by all. Editor-in-Chief of *The GW Hatchet* Kate Stepan remarked, "We are the best paper on this campus, and in the world. After all, we are all about fair and balanced journalistic reporting." The Student Association also issued a press release noting that "The *Nota Bene* is about as much of a credible newspaper as we are a credible student government."



This b\*stard forced me to put his pickture in the paper.



### Pigeon Statue Mystery Solved

By EDDIE GOMEZ  
*Pigeon Analyst*

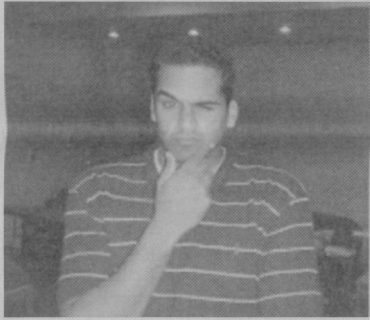
Ever wonder what the hell that statue outside of the Burns Law Library is out on the Quad? You know the one – the narrow mini-obelisk with a pigeon sitting on top of it. Well, the *Nota Bene* has figured it out and you're not going to believe it.

The obelisk is the first of three actually. 'The pigeon', as it is commonly referred to, is a tribute to none other than Dr. Jacob Burns, '24, Hon. '70. By this time next year, each of the three main buildings (Lerner, Stockton, and Burns) will have a similar obelisk outside, bordering the Quad. The pigeon was put up about a year ago for a campus beautification project that wanted to "tie the Law School to its history" (and to garner more support from the alumni, no doubt). A pigeon was chosen because Dr. Burns used to feed dozens of pigeons on the Quad every morning. Few know the rumor that many of the pigeons that feed at or near the Quad are descendants of the pigeons Dr. Burns used to feed.

The obelisk to be placed outside of Stockton will be put in honor of Rear Ad-

miral Charles Herbert Stockton. It will feature a narrow obelisk topped by a small sculpture of Stockton's ship, *Pisces*. The obelisk outside of Lerner will be placed in honor of Theodore N. Lerner, but the figure to be placed atop the obelisk has yet to be determined.

All three obelisks will have plaques explaining their meaning to passers by and to anyone else who is interested. The reason for the placing of the obelisks at different times is because of the difficulty in securing the families' permission. As the University's Campus Beautification Director, Michael Belton, explained, "For some reason, the Burnses were more than happy to comply. On the other hand, the Stocktons were reluctant because they had been misinformed about the dimensions of the obelisks and their purpose. The Lerner's were just difficult to find, that's all." For more information about these mysterious obelisks, check an upcoming issue of *Noteworthy* and the GW Law website.



### Formica Defeats Westbrook... in Trial Court Board Competition

By ALAN TAUBER  
*Slave Laborer for the Editorial Board*

In a stunning upset that no one expected, former SBA Presidential Candidate Stefano Formica was offered a place on the Trial Court Board while SBA President Corrie Westbrook was shunned by the Board. This was the second time the two had competed for the same spot, with Westbrook coming out on top the first time around.

When reached for comment, Formica stated, "It feels really good to make the board. After getting reamed by the Law Revue show, my confidence really needed a boost. This did it." Westbrook was less diplomatic. "Their budget is soooooo cut." When informed that the SBA does not control the Trial Court Board's budget Westbrook quipped, "Well, Dean Young is offering me control of the *Nota Bene*. Maybe I can make it a package deal."

Calling in from the Trial Court National Competition, Spring Competition Chair Rohan Virginkar said, "Uh....Corrie didn't make the Board? There must be some mistake. In fact, if our budget is at stake, I'm positive there was a mistake." Virginkar's trial court partner, Chris Hamner, was overheard in the background:

"Boy, did you f\*ck up. What an idiot." When asked if he would really commit fraud to save the Trial Court Board, Virginkar replied, "Fraud is such an ugly word. I'd call it a recalculation." In order to lend credibility to his post-hoc decision, Virginkar offered to have the accounting firm of Arthur Andersen audit the results.

A source close to Westbrook told the *Nota Bene* that she was taking it pretty hard. Speaking on condition of anonymity, this source stated, "she came home and just dove into a bottle of cheap gin. I've never seen her like this. She was sobbing. I reminded her she was still SBA President and she was like 'Who cares? Everyone knows employers only care about Trial Court!' I didn't know what to do."

Westbrook denies making any such statements, but she does admit she was pretty hammered. "But that was because I was throwing a party for a friend. It had nothing to do with the competition results," she insisted.

When told of these effects, Formica quickly stifled a grin and said, "Wow. I didn't know she'd take it so hard. I would be willing to trade the Presidency for my spot on the board. After all, there's always next year."



# WHAT THE HELL IS THIS SUPPOSED TO BE?

## (HE)L.L.M

BY NAPOLEON AU BON PON  
Staff Wannabe

Finally the *Nota Bene* give me chance to write about my experiences as L.L.M. student. As French student from Paris, I not know what to expect from you fat Americans. But now I like you. You are fun, down-to-earth, and friendly. Except students from New York. They are arrogant like us French.

Recently, you American pigs have been making fun of my fellow French countrymen. I want opportunity to respond. We are good people with lots of respect from other countries. Now let me answer these criticisms of France.

Mark Twain said, "France has neither winter nor summer nor morals. Apart from these drawbacks it is a fine country. France has usually been governed by prostitutes." Yes, our seasons are miserable, but that just reflects the personalities of Frenchmen everywhere. And, unfortunately, yes – Jacques Chirac used to "work" streets of Paris. It was way to raise campaign funds, which much better than American system.

I heard Norman Schwartzkopf say, "Going to war without France is like going deer hunting without your accordion." I do not understand. Why deer hunters need accordion? Oh...

I love watching Conan O'Brien show. Even though he mistaken other day, he gave France compliment: "You know why the French don't want to bomb Saddam Hussein? Because he hates America, he loves mistresses, and wears a beret. He IS French, people." Saddam is not a French citizen, Conan. But we considering giving Iraq control of France. That way we can save the trouble from running like school girls chasing after Backstreet Boy.

A funny-looking cartoon character with name Marge Simpson commented, "We can stand here like the French, or we can do something about it." Our "war machine" has been working hard during these difficult time. We have manufactured more

white flags and better running shoes this year than last two year.

George Patton once observed, "I would rather have a German division in front of me than a French one behind me." I could agree not more. If you need learn one thing from me, you never trust Frenchman from behind. Two words: French Tickler.

A humorist named P.J. O'Rourke said, "The French are a smallish, monkey-looking bunch and not dressed any better, on average, than the citizens of New Jersey. True, you can sit outside in Paris and drink little cups of coffee, but why this is more stylish than sitting inside and drinking large glasses of whiskey I don't know." We are not monkeys. And what's New Jersey? Where Old Jersey? Was it that bad that they got rid of Old Jersey and created New Jersey? It can't be that brown, smelly strip of land across New York City.

Finally, people have their German jokes about France. Jay Leno joked, "I don't know why people are surprised that France won't help us get Saddam out of Iraq. After all, France wouldn't help use get the Germans out of France!" David Letterman said, "The last time the French asked for 'more proof' it came marching into Paris under a German flag." Even Regis Philbin observed, "The only time France wants us to go to war is when the German Army is sitting in Paris sipping coffee." Just because Germany treats us with about the same amount of respect as it does to most crack whores and two-cent hookers does not warrant these jokes. We have been strong ally of America. Without France, the U.S. would not have anyone to project problems on.

Thank you, America, for letting me write in prestigious *Nota Bene*. I am honored and flattered. I never forget opportunity. Vive France!

## Mark is Still Trapped in the Eighties. Somebody Save Him.

BY MARK HERSHFIELD  
Headbanger-in-Chief

As all avid readers of the *Nota Bene* now know, I love my hair band music. And you know what ... judging by the conversations in the soft lounge, I think we have many "secret" hair band fans at this law school. So let me give you more of what you not only want, but need. So here are ten other hair band albums that you should definitely add to your already packed shopping cart. Before I proceed with the list, I must note that *Use Your Illusion 1 & 2* are not hair band albums (my friends would kill me if I called them hair band albums). Also, I am permitting hair band albums from the '90s to be considered, since most of you guys probably believe "Ice Ice Baby" is from the 1980s. Finally, my apologies to Whitesnake, The Scorpions, Ratt, and Dokken fans; I only have their greatest hits albums so they will not be featured in this list. So here is the list (in random order).

*Editor's Note: Mark first submitted this as an actual story. We figured it belonged here.*

### *Trixter - Trixter (1990)*

Sure these guys arrived late on the scene, but a mini-poster of these guys hangs on my walls so they have to make the list. With songs such as "Give It To Me Good," "I Surrender," and "One in a Million," these guys represent Jersey to the fullest, and we all know Jersey is the hair band capital of the world.

### *Def Leppard - High N' Dry (1981)*

These guys are coming to Baltimore on their latest tour and if you've got the \$\$\$ you should go see them. I bet most of you thought *Pyromania* was their first album, but long before then was this great album, which includes "Bringin' on The Heartbreak," "High N' Dry", and "Me & My Wine." If you like British hair band rock and songs about women and heavy drinking ... this is the album to spend your student loan checks on.

### *Motley Crue - Shout at the Devil (1983)*

With a lineup of Tommy Lee, Mick Mars, Nikki Sixx, and Vince Neil, these guys are golden. This album makes the list, because it has a warning inside that says "caution: this record may contain backward messages." Is that cool or what? With tracks like "Looks That Kill," "Too Young to Fall in Love," and "Shout at The Devil" this album rocks. Plus if you spell devil backwards, you get lived (hmmmm).

### *Warrant - Dirty Rotten Filthy Stinking Rich (1989)*

Cherry Pie was close, but I have to go with Warrant's first album. Jani Lane shines on the song "Heaven," and "Sometimes She Cries," "Big Talk, and "Down Boys" are all great rock songs. These guys make the list for two simple reasons, (1) I used to have a Warrant t-shirt (which I did wear out in public), and (2) I have seen them twice in concert.

### *Poison - Look What the Cat Dragged In (1986)*

I stand by my cheap shot that Poison songs are good, but their albums are lacking, but if you really want to buy a Poison album, go with the first one. This album has several great tracks including "I Want Action," "Look What The Cat Dragged In," "I Won't Forget You," and "Talk Dirty to Me." Poison is the top hair band of all time according to VH1 and I couldn't dis my boys who have seen them four times this second time around.

### *Firehouse - Firehouse (1990)*

Sure you have heard of "Don't Treat Me Bad," and "Love of a Lifetime," but "All She Wrote" is the best track on this album. Sure the lead singer has short hair now (I asked him about it at their concert), but the whole album is chock full of guitar riffs and screeching vocals, which makes this a hair band essential.

### *Bon Jovi - Slippery When Wet (1986)*

Why do so many people think this is the best hair band album ever? Sure its got "Wanted Dead or Alive," "Livin' On a Prayer," "You Give Love a Band Name" (the name of the song is not "Shot Thru The Heart," you fake fans of this genre) but with the exception of "Never Say Goodbye," that is all this album has. Still its got enough hits to make it worth the \$2 price tag that you will find it available for at most record stores.

### *Cinderella - Night Songs (1986)*

These boys from Philadelphia, Pa. have a blues sound that is unmatched in the genre, and hair that is unmatched in the genre. "Nobody's Fool" is a great rock ballad, and the band opens its shows with "Somebody Save Me" for a reason. Sure, Bon Jovi discovered these guys, but buy this album and you will thank me for opening your eyes to Cinderella.

### *Skid Row - Slave to the Grind (1991)*

This is the loudest hair band album I have ever heard, and the best one released in the 1990s. From "Monkey Business" all the way to "Wasted Time" this album will have your head banging with your newly grown mullet. Forget about Bon Jovi and the Boss, in my mind these guys are the kings of New Jersey (let the hate mail begin).

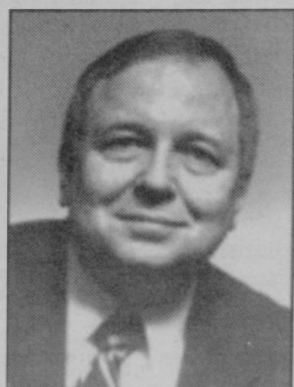
### *Winger - In the Heart of The Young (1990)*

Sure my heroes Beavis and Butthead made fun of these guys constantly, but they are still a great band with a lead singer with great hair (Kip Winger). Sure, he too has cut his hair (it was disappointing to see at their concert over the summer), but with tracks like "Miles Away," and "Can't Get Enough," your collection would be incomplete without this album. Now hurry up and buy all these albums, because we all know everyone will soon be rushing over to Tower Records.

*Editor's Note: Winger Sucks.*



## McDonald's Congratulates our March Employee of the Month



John "Big Mac" Banzhaf



## You've Got To Be Kidding

### Cast of Law Revue to Get Reality Show

By STEFFI FORMICA  
MaxiWuss

The heads of the "Big Three" television networks, Fox, the WB, and UPN, have reportedly been in deep negotiations with the cast of The George Washington Law Revue Show. According to sources close to the networks, talks have steamed up in recent days. The idea for the reality TV show came after rumors about the critically acclaimed, Tony-nominated performance last month surfaced in some West Virginia strip clubs.

Ideas for the show are reportedly few and far between, but the frontrunners include a *Real World* meets *Survivor* drama and a *Fear Factor* meets *Jerry Springer* type sitcom. The show, provisionally named "Drama Queens," is to take place at the dwelling of the show's news anchor personality, Beau Howard. Problems have arisen as to how to fit an entire camera and sound crew into a small RV trailer. When asked for comment, Howard replied "Oh, it's easy, all I gotta do is kick my sister's, uh, I mean, ex-wife's stuff out, and there'll be plenty of room for them fancy picture boxes."

Recent reviews for the pilot series have left some executives worried with budgetary concerns. It is reported that the cast consumes over one thousand dollars in pizza alone in preparation for every performance. Some cast members have brushed aside any of the producers' financial worries saying, "It's okay, we got the SBA to pay for our food, Fox and the WB will pay us too."

In one of the show's pilot scenes, tempers flared after over eighty hours of rehearsals were wasted in preparation for a critical scene, which the cast had been struggling over for weeks. Actor John Spagna broke his puppetry hand in frustration on a piece of styrofoam after continuously failing to read the words on the teleprompter screen. When asked what was frustrating him, he said, "Hey, I'd like to see you try and read all of those damned words." In another bit of controversy, Victory the Insult Dog was found in Erik Baptist's dressing room clutching a tube of KY Jelly.

Other possible names for the show were "Suicide Watch" and "Temptation Island II: All in the Family."

In a related story...

Defeated SBA Presidential candidate Stefano Formica was arrested the night after the Law Revue Show in early March. Police said that he was found stumbling in a drunken stupor while yelling obscenities to Foggy Bottom residents. Witnesses said that Formica, the disgruntled first-year, continuously referred to Law Revue actress/news announcer Heather Major, saying "Apparently she wasn't kidding when she said that 'if you f\*ck with us, I'll f\*ck with you.'" When booked at the police station, several items were found on Formica's person. Among his possessions was a pair of XL sized women's underpants with the initials HM sewn into the lining.

### Westlaw Close to Goal of Worldwide Domination

By CHRIS MCCLINTOCK  
The Bitter 2L

The legal research behemoth Westlaw shocked law students and legal professionals nationwide this week when they announced that they were within weeks of unleashing the final stages of their plan for world domination.

In a televised press conference on Monday, Dr. Mindbender, Chief Operating Officer for Westlaw, announced his company's dastardly scheme. Unfortunately, the press conference recorded a viewing audience of just three viewers, all whom had fallen asleep and were therefore unable to tune into war coverage.

Dr. Mindbender became COO of Westlaw in 1990, when international crime syndicate Cobra went out of business due to overwhelming market competition from G.I. Joe.

"For years, Westlaw has been brainwashing unwitting law students through subliminal messages embedded in its legal texts and hidden electronic signals in its website, and this April, we will broadcast a signal that will place all members of the legal profession within our control," roared Mindbender at the press conference.

When asked to comment, G.W. Law School's Westlaw representative John Lim merely cackled a diabolical laugh, pulled his cape across his face, and vanished in a blast of smoke. Meanwhile, the Deans of the school immediately began drawing up complaint papers for infringement of their

trademark getaway.

To add to these shocking events, Ex-President Bill Clinton outwardly spoke on behalf of Westlaw's evil scheme. "Get real, folks," he said in an almost robotic voice. "We all love Westlaw anyway. We live by it. Why not allow it to become our ruler?"

Senator Hillary Clinton had this to say about her husband: "I just figure that his little world domination hobby is better than him chasing skirts all day."

Mindbender's speech went on to further explain the Westlaw plan. "Our victims have unknowingly been programmed through use of Westlaw products, and when we broadcast our signal, they will all become mindless slaves who will answer only to the call of Westlaw. Since the United States government is run largely by those with legal training, we will begin with their rule. They will then enact legislation that will spread our brainwashing signal all across the country, and then the world."

While Westlaw's claims are hard for legal professionals to believe, many take these ominous ramblings seriously. Lexis use has quadrupled this week. Unfortunately, no attorneys know how to use it, which is leading the legal profession into a tailspin of inefficiency.

With no solution in sight, and the broadcast of Westlaw's mind control beacon drawing ever closer, the legal profession, and the world, seem to be left with

### The Law Student's Guide to WHAT ROCKS GW Law

By E.J. Levin

There are so many things I love about GW. So, following the lead of the Great and Powerful Eric Baptist, here is the Top Ten Rockin' Things about GW Law School:

10) The wonderful variety of eating options near the school: Kinkaid's, Smith and Wollenskey's, TGI Friday's, The Palm, ABP, The Prime Rib, The Burro. Taste sensations everywhere. (Oh, a friend of mine told me if you are really lucky TGI Friday's will add an extra "1" in front of the tip - so \$5.00 turns into \$15.00 - they are so clever!!!)

9) The new flat screen plasma TV that gives up-to-the-minute information about news events right here in the law school! A well-spent \$17,000.

8) The new faculty lounge. It is a wonderful space with beautiful furniture and even a nice porch that looks out over the quad. It is always temperature regulated and has wonderful lighting. I really suggest you go check it out and take advantage of the study space.

7) The number of outlets in the library. It is wonderful on the second floor around exam time - just wait and see, all you 1Ls, you are really in for a treat! No need to bring an extra battery, just plug in and you are ready to go! Be on the look out for those extra open outlets so you can plug your cell phone in.

6) And speaking of the library, I am glad that even late at night when I am studying, I can have pets down there - didn't you know those mice were mine?

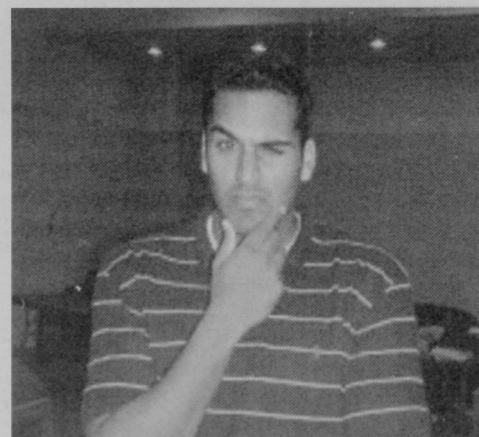
5) The Quad - an open space where I can sit peacefully away from the undergrads and read and eat my lunch without being interrupted.

4) The availability of parking. Whether on the street where you can always park for two hours without getting a ticket, or in the student parking lot in the Marvin Center (which almost made this list), there is always affordable convenient space.

3) FIP: Fall Interview Program. So well organized - right after school starts!!! Much better than having it before school starts, like at those silly schools in New York like NYU, because then you have a valid excuse to miss classes. But I am sad to say most of you will never have the pleasure of FIP because your GPAs are so high, firms will come straight to you.

2) Tuition. Don't you feel like you are getting your money's worth? The Dean's have new offices and new conference rooms; the school has a new court room to show off to visiting guests and to hold conferences in; the professors have a new meeting room (see number 8); the professors have lots of time to grade our exams in a quick fashion because they wouldn't rather write their own book, go on a speaking engagement, or give lectures at other schools.

1) AND the number 1 thing that is rockin' about GW - the administration!!! From shutting down clinics and law journals without student feedback, to forcing *Note Bene* under the SBA and thereby decreasing their budget, to supervising a competent and well organized law journal competition, to responding to student requests and problems - our administration ROCKS!!!



little choice but to simply adjust to the change in world leadership.

Dr. Mindbender assured the public, however, that the new global regime would not be evil or overly controlling. "We don't

plan on changing much, really. We just want to extend Happy Hour until midnight and stop Republicans from naming everything after Reagan."



## OPINIONS

## Dissent During Wartime

It is official ... we are at war. For many of us, this war was not the ideal solution to getting the Iraqi government to disarm. Many of us championed diplomatic solutions and hoped that a war could somehow be averted. All throughout the slow grind to war, our patriotism was challenged on a daily basis. Somehow the search for peace was unpatriotic in the minds of some. Now similar assaults are being made against those who continue to oppose our present conflict. This brings up a fundamental question: When we question the necessity and legitimacy of a war that our country is participating in, are we guilty of treason?

My emphatic response is ... no! As American citizens we have the right to question the actions of our government and even challenge the motives of the Commander-in-Chief. Our rights are not temporary, but permanent. The rights guaranteed to us in the Constitution and the Bill of Rights are not like a lamp to be turned on and off with the flick of a switch.

A couple weeks ago an individual was arrested for wearing a shirt with a peace symbol into a mall. Is this what democracy looks like? Does free speech inherently have to disappear during a time of war? The day before the war began, Senate Minority Leader Tom Daschle (D-SD) criticized the President for failing on the diplomatic front in his efforts to avoid a military conflict. Senator Daschle brought up a valid concern and a valid criticism, in which supporters of the President responded by claiming that he was giving aid and comfort to the enemy. It is one thing to disagree with an individual, but calling someone unpatriotic during this period of war is a child-like reaction. Dissent should be listened to or at least respected, not summarily dismissed.

On all issues, we as Americans can disagree with each other. Some support affirmative action; some oppose it. Some support abortion rights; some oppose them. The same should be true for issues of war and peace. Individuals should be free to voice their opinions even during a time of war. Without criticism and oversight, our government becomes unaccountable. Rallying around the flag has its limits. It is one thing to support our troops, but it is quite another to sit in a closet with your mouth duct taped as you hand the President a blank check to do whatever he wishes around the world.

This is a solemn warning, not only to students like myself who believe there is no reason we should be fighting in Iraq, but to individuals in elected office. We elect individuals to represent us in Congress. President George W. Bush is our Commander-in-Chief, but this nation is a democracy, not a dictatorship. Individuals in elected offices should have the courage to ask questions and demand answers.

Some people may read this column and label me unpatriotic. My retort to them is: What makes you so patriotic? Placing a flag on one's car or singing "God Bless America" is not a true measure of an individual's patriotism. Patriotism is standing up and representing the ideals and principles this nation was founded upon. The United States is a democracy and when you stand up and dissent, you are participating in the democratic process. Merely following an individual blindly into a fire is not patriotism.

An unjust war does not become just just because it has begun. There is still a time for dissent and a time for debate. In my eyes it is still okay to go to a protest or engage in a sit-in. Don't let anyone tell you that asking questions or protesting is giving aid and comfort to an enemy. It is our duty as citizens to follow our consciences and be vigilant and do more than merely "rally around the flag."

On all issues, we as Americans can disagree with each other. Some support affirmative action; some oppose it. Some support abortion rights; some oppose them. The same should be true for issues of war and peace. Individuals should be free to voice their opinions even during a time of war. Without criticism and oversight, our government becomes unaccountable. Rallying around the flag has its limits. It is one thing to support our troops, but it is quite another to sit in a closet with your mouth duct taped as you hand the President a blank check to do whatever he wishes around the world.

## INSIDE HERSHFIELD'S HEAD

BY MARK HERSHFIELD

## LETTER TO THE EDITOR Law Revue Show Crosses the Line

By NICK IVANCIC, 2L DAY

The Law Revue Show was a great event for the law school. Racy, raucous, irreverent—this show had it all. Unfortunately, for one brief moment, there was nothing remotely amusing about it. I think it was during the skit featuring a naked Jerry Barron when a particular joke went too far. I'm firm in my belief that, when roasting different groups and individuals at an event like this, thick skin is a necessity. Refer to a group of people as "retards," however, and I think you've crossed the line.

I'm not writing to scold the cast of the Law Revue for making what I think was a poor judgment. I'm writing because it turns my stomach every time it's made apparent to me that, in wide social circles, words like "retard" and "retarded" are per-

fectly acceptable ways to denigrate a person. If you are a person that does so, YOU NEED TO WAKE UP! Would you ever accuse someone who short-changed you of "jeweling you out of money?" If you ever half-assed a project, would you refer to it as "nigger-rigged?" I can't imagine anyone that attends this law school would have the balls to stand up and defend the use of such terms. And yet, you never have to wait long to hear someone unabashedly use "retarded" when referencing any number of disagreeable things.

I know where you're coming from. For too long, "retarded" was my adjective of choice when I felt the need to describe something or someone as stupid. After all, no one but tight-ass PC types really ever raised an eyebrow at the use of that word, right? And I knew retarded students during my years in high school—I treated them

## Remember Who Really Gives You the Right to Protest

By DEREK MELLO  
Staff Writer

Right now thousands of American and British soldiers, many of them younger than you and I, are risking their lives fighting in Iraq. There are those who believe that the best way to be patriotic during this time is to continue to protest the war by blocking streets or marching on the White House. They point out, and rightfully so, that the right to freely assemble and to freely express their views are the cornerstones of America. However, many of those opposed to the war forget that it is because the sacrifice of those fights that we have these rights and that with rights come the responsibility of exercising those rights in the proper manner.

The question is not whether the government should attempt to stop those who want to speak out against the war. We all can agree that this is not allowed, should not be allowed, and is not happening. The question is should people, on their own, exercise restraint in how they protest. The answer to that is yes. This is not a new concept, nor is it against what the Constitution stands for.

Justice Holmes' famous example of the freedom of speech comes from *Schenck v. U.S.*, 249 U.S. 47 (1919). In that case, he wisely stated that the freedom of speech does not protect someone who yells fire in a crowded movie theater. Just as the person in a crowded theater has the right of free speech to yell fire, he has the duty not to exercise this right in this situation. Anti-war protestors have the right to protest but also the duty to exercise their rights in a responsible manner. Two extremes may make things clearer. First, there is no question that talking among friends about why you oppose the war, or wearing a "peace" shirt, is exercising your rights in a responsible manner. Second, there is no question that physically or verbally attacking or spitting upon a member of the U.S. armed forces is not exercising the right of free speech responsibly, if at all. (Although I have heard no reports of this occurring, it did happen during Vietnam.)

Those who are so eager to continue to protest the war should remember several things. First, three million Americans volunteer to serve in the military so that the remaining 250 million of us should not have to worry about a repeat of 9/11 or a dictator threatening us with weapons that could kill thousands at a time. Second, not one of the

thousands of Americans in Iraq would choose to be doing what they are doing right now. They had the right not to volunteer to serve; they had the right to protest policies they did not believe in. Instead they choose to exercise their rights by giving up many of their freedoms so that the rest of us do not have to. It is these brave individuals, not lawyers or politicians, who give us the freedom of speech, assembly, and even the right to burn the flag they die for.

History is filled with examples of Americans who exercised their rights in a manner differently than they normally would have because the nation was at war. During the Civil War thousands of Black Americans volunteered to fight and die for the Union even though they were paid less than white soldiers and were not welcomed by many of the white soldiers. These men were not drafted; they could have exercised their rights and protested by not volunteering until they were guaranteed the same pay or they were placed into integrated regiments. But they exercised their rights by volunteering to serve a nation that did not treat them as equal. The same can be said of the thousands of Americans of Japanese descent who choose not to protest against World War II even though it was against their native land and many of them were held in camps during the war. Instead they volunteered and served in some of the most decorated regiments of the war. These are just two examples of groups of Americans who, although they had much more of a reason to protest and not volunteer than any protestor does today, choose to exercise their rights in a manner that fit the circumstances.

Those who would block traffic or speak ill of the nation during this time of war would do well to first think of those currently fighting to insure the rest of us continue to have the right to protest, and to look back to these and other examples of Americans who chose not to exercise their rights to the full extent they could have so that others would benefit. Before protesting, people should ask themselves whether they have the duty to put the needs of the nation ahead of their personal political beliefs and support those who volunteer to fight. Sometimes the best way to exercise one's right of free speech is to limit the exercise of that right so that those who are dying to defend that right can have the support they need. God bless the men and women of the United States armed forces.

with nothing but respect. *I didn't have a problem.*

What a chump I was. Then I spent a weekend as a counselor at a Camp Easter Seals in the mountains east of San Diego. Spending real time with the boys and girls, men and women of Easter Seals didn't make me politically correct ... rather, it opened my eyes. Individuals that live with mental retardation are not stupid. Instead, they see the world through eyes that many of us here at the Law School don't care to comprehend. They're funny, charming, thoughtful, passionate, and clever—spend more than a passing moment with them and you will arrive at the simple conclusion that *they're real people*, just like you.

Since my Easter Seals experience, it's never crossed my mind, when describing something or someone as stupid, to refer to it as "retarded." That word is wholly irrelevant to me in such a context. And yet, I hear it come out of the mouths of intelligent law students more often than I care to. Don't fool yourself with a half-ass rationalization that goes something like this: "It's so commonly used, it no longer attaches a negative connotation to those with mental retardation. It transcends its original meaning." Give me a break. I just ask you to please spend a moment thinking hard about why you, an intelligent, forward-thinking individual, would ever resort to using such a cruel, demeaning word. If you give it some real thought, I think you'll cut it out of your vocabulary. If you still can't make that relatively small leap, ponder this scenario: your first-born is diagnosed with Down Syndrome. Would you ever refer to a distasteful thing as "retarded" again? I didn't think so. That would be plain stupid.



## OPINIONS & FEATURES

# The New World Trade Center May Be the Real Estate Venture of the Century

By PAUL J. MEISSNER  
Opinion Editor

The vicious terrorist attacks on the World Trade Center and the Pentagon left thousands killed, large symbols of American power obliterated, and the complacency of the West destroyed forever. As our servicemen and women rushed to war against Al Qaeda and the Taliban, construction crews began the arduous and saddening task of clearing the damage to the Pentagon and the rubble that was once the World Trade Center. As the western sections of the Pentagon were being rebuilt far ahead of schedule, only one question remained: What to do with the sixteen acres of Lower Manhattan that was once the twin towers?

Throughout 2002, potential answers started pouring in. It seemed as if every architect who could hold a stylus and a ruler sent in some design. Members of local and state governments including former New York Mayor Rudolph Giuliani and current mayor Michael Bloomberg each had their own ideas. Furthermore, those people who lost loved ones at the World Trade Center were highly skeptical about any real estate development at the site at all. Arguing that the site is "hallowed ground," these factions believed that slapping an office building on the site would do no credit to those who lost their lives. Finally, there were the parties who probably have the most say in the rebuilding efforts, the owners of the property, the Port Authority, and the leaseholder, one Mr. Silverstein.

So basically, everyone has an idea of what to do, and the stage is set for the largest and most important real estate collaboration effort of the century. The problem is, of course, where to begin. In negotiations, one tries to start with defining each party's interest and then find some sort of common ground. Here, the problem seems to be finding where the consensus should begin.

Let us look at the interests of some of these groups. Some people readily believe that the World Trade Center should be rebuilt just the way it was. This was an idea proposed initially by former mayor Ed Koch. I have to admit that this idea does have some appeal especially to those

who have come to appreciate the Twin Towers as symbols of New York's economic and cultural power and, more importantly, to those who believe that we should not let extremists shape our city skylines. Of course, the sad reality of rebuilding such large structures is that it will be diffi-



Artist's rendition of the Manhattan Skyline once the chosen World Trade Center design is built. Copyright Studio Daniel Libeskind

cult to find tenants for such buildings: each workday would be a saddening and self-conscious experience, I would think.

The second idea for the site is simply to build no real significant structures at all with the exception of some memorial or park. Similar ideas include building non-denominational churches to symbolize the unity of the world's religions. Somehow I fail to see how building a church would memorialize those who were lost at the World Trade Center. Being my usual politically incorrect self, I fail to see how simply building next to nothing will satisfy the wishes of those people who died. I do not think if those who died could come back, they would say not to build anything at the place where they died. For the record, if I

died in such a catastrophe, I really hope none of my loved ones came out of the woodwork to try to impair attempts to rebuild the place where I died. Perhaps these no-build advocates have a bad conception of real estate development or they hate office space and would be happier with residential development. To me, these activists no doubt mean well, but they came across as selfish and unwilling to compromise with property owners and governmental interests, parties that probably have better standing here.

The third prevailing view is to build structures that memorialize the deaths at the Twin Towers but to replace as much office space as possible. I think this is a great compromise between those who lost loved ones at the World Trade Center and those who have something to gain from rebuilding. I think millions of Americans have something to gain from rebuilding. Like it or not, the structures we build today are the monuments for the future. Every civilization, past and present, has symbolized itself in the structures it built. Their buildings tell us the way they lived and possibly even the values they regarded as most important.

I agree that there should be a significant rebuilding project at the World Trade Center site, something to tastefully memorialize those who died there while still being practical for those who will live and work there. Of course, I would leave the details of that rebuilding project to those who have a real, measurable stake in the World Trade Center site. There are enough polarizing views and crazy architectural renditions to go around.

It seems that each faction here is unwavering in what they want to see happen at the World Trade Center site. I have always been a fan of compromise and negotiations among all interested parties, but regardless of what happens at the World Trade Center site, somebody will not go home happy. There may be protests, heated planning sessions, and endless legal action. I wish all those working on the new World Trade Center the best of luck.

## The Cynical Side

By Chris McClintock

You have to admit it. It's almost impossible to pay attention to schoolwork these days. Somehow, with the coming of spring, thoughts of that super cool summer job you have lined up, and a war going on, it's hard to keep focused and see your schoolwork as something pressing.

Personally, I can't get away from WarVision, a.k.a. The Television — every channel of the television. Even MTV's in on it and that's scary. I'm not saying that the views of teens aren't important in this country, but let's be honest — since they're just spouting off their parents' rhetoric anyway, let's just ask their parents *their* opinions, thereby eliminating the middle man and getting a (hopefully) more articulate answer.

So, when I flip on my television every day for the latest developments of the war, I stick to the major networks and news stations, where the War with Iraq, War in Iraq, Target: Iraq, Operation Iraqi Freedom, and America at War coverage is proudly brought to you by none other than the National Football League. Don't believe me? Let's analyze:

Like the NFL, every major network and CNN has a contingent of retired military commentators — past soldiers who use their personal experiences in warfare to add colorful commentary and illumination to the events unfolding in Iraq. Honestly, I keep expecting to see retired football players, like John Madden, Howie Long, and Deion Sanders, standing next to Ret. General Wesley Clark, saying, "That's right Wes. Right now what the Iraqis need to do to stop this seemingly unstoppable offense by the Coalition is to drop back, play some smart defense, and maybe hope for a fumble."

That brings me to my next point — the mindless commentary that they use to fill gaps in "game time." Watching the NFL, it goes something like this: "This team needs to move the ball toward the end zone in order to score a touchdown." On the war coverage, it's like this: "The

Marines are going to have to defeat the Republican Guard between them and Baghdad if they hope to clear a path to the Iraqi capitol." Well, no kidding, you journalistic geniuses! Thanks so much for sharing your incredible insight for those of us who would think that our troops might just play Rock Paper Scissors out there in the desert! And to think these people win Emmys....

Not convinced yet that the NFL is running the show? Don't worry — there's more. The war has instant replays. Unfortunately, unlike in football, we have hours and hours before the next "play," if you will, when the next skirmish or development arises, so they reshow the same two bomb blasts ad nauseum.

Not only that, I'm getting ready to rip the telestrator pens out of the hands of those morons in the news stations and smack them over their heads with them. Frankly, maybe the NFL guys should stop by the networks and show them how they use the thing. I mean, it's pretty clear — you *do not* write words with a telestrator pen — it looks like my three-year-old cousin's latest artistic masterpiece. When the newscasters use them, I often wonder if they're holding the pens with their toes.

And, of course, all the stations are patting themselves on the back for having their "embedded" reporters in the field giving us the news *as it happens*. This is awfully reminiscent of the NFL's reporters on the sidelines, harassing the coach on the way into the locker room and nagging team officials for injury reports. Only with the war, they interview field commanders as they try to break camp and move out, or they harass military officials about POW reports.

Most disgusting to me, actually, is something that reminds me of the XFL — when the networks interview soldiers while in the middle of a firefight. Of course, this hideously shameful practice has the same embarrassing and tasteless result as it did in the XFL, when commenta-

tors interviewed players as they walked onto or off of the field. Unfortunately, the news networks don't look like they're going to go broke like the XFL did.

Even the way the coverage of the war looks on the TV screen is much like that of an NFL game. In the NFL, the commentators break between play time to show graphics of the starting lineup or of a single player, with his stats listed next to him. Watching the war, one can see graphics showing the positions of our military assets in the field and pictures of particular weapons with their stats listed next to them.

Overall, the experience of watching the war on the major networks gives far too much a feeling of watching a football game for me to conclude anything other than that the NFL must be the real brains behind the war coverage. I won't be surprised if I turn on the news tonight and see on a map of Iraq, a line much like the yellow First Down line on the field on a football game.

Unfortunately, in a truly heinous relationship to the professional-sport-style coverage, people are now actually making bets on the war, just like they do with football games. I mean, I know hockey season isn't as much fun as the NFL Playoffs, but this is a little sick, people: Should the U.S. move on after Iraq, attempting regime change in other countries, don't be surprised if you see Fantasy Regime Change games pop up all over the internet, too.

Overall, it's hard to blame the networks for their coverage — we're all going to watch the war, and they compete for our viewership. It makes sense for them to go for a format that attracts millions of viewers each fall and winter. Let's all just hope that we don't have to be forced to watch this ridiculousness any longer than necessary. Because let's face it — we'd all rather watch war brought to us by Hollywood than war brought to us by the networks & the NFL.



# FEATURES

## MAXIMUS Tips for the 1L Male

By STEFANO FORMICA

### Springus Deliverus

By popular demand, the most requested theme to be covered by *MAXIMUS* in a poll of GW students was whether or not men like to “teach” when it comes to sex. Well, I don’t think I’ll be addressing that right now, except to say that, well, missionary means just that she doesn’t have to move or say anything other than “Oh God,” and she should be fine.

That said, Spring is in the air, and that means sun-dresses. Slowly, the abominable snow-women at GW have begun to shed their layers of excess clothing, and with time, they might even melt off some of that excess baggage and their frozen hearts or “feelings” as they like to call them. As with most *MAXIMUS* columns, one question remains, “how do we speed up the transformation process?” Well that’s a tough one. See, springtime doesn’t really ensure that our bunny counterparts will feel comfortable showing their assets. Chances are, they spent half of spring break working on the journal competition, to no avail, because obviously, we are smarter, and with that in mind, they probably didn’t recover from that realization until at least Thursday of Spring Break. What does that mean? No time to work off those love handles, or in some cases, hold-on-for-your-dear life handles, nor did they have any time to tan and possibly hide some of those particularly corpulent features.

My girlfriend says I’m a pig, but really, as I look at the line in front of Burger King, it seems to me that most of the pigs in this world are about to be consumed by the *sexless* at GW in the form of Western Style Whoppers. Well that’s just it, isn’t it? I hate to speed up the process of this newspaper’s closure, but I must say, there isn’t enough sex going on at GW. But what we fail to remember is that it’s the end of the semester! This is the time to have that “right before summer” fling! It’s the perfect situation that any opportunity-seeking male should take advantage of, at every possible occasion. End-of-semester flings are those that ensure maximum return on your investment, usually a Red Hook draft for three dollars at the next bar review. For that low price, you accelerate the dating schedule from three dates equals sex to three minutes. You can also put your propensities to seek out only “A-Team” girls on hold, because they’re still in the process of losing their out-of-state significant others/pansies. The “B-Team” is a definite option

this time of year, because then you’ll have at least three months to wash those bitter-sweet memories out of your system. Use a Durex, though – don’t want to spend the summer at one of the more popular health clinics at GW hospital. That is of course, if the administration doesn’t cut the funding for them too.

You don’t have to be selective or look far; usually *belladonna* is sitting by herself trying to get the bartender’s attention. She fails to realize that “showing a little skin”

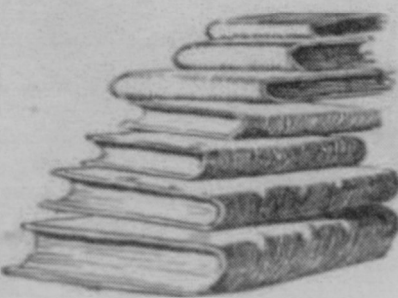
will only get her the opportunity to pay full price for that half-priced rail drink. Back to sun-dresses though, after the work-out/ marathon which will ensue at your place, don’t forget to remind her that she can only say “Oh God,” and soon the calories will begin to burn off faster than your buzz, in which case, you’ll be in trouble once your vision clears up. Don’t

worry, though. I keep a fifth of Jim Beam under my pillow for just such occasions.

So with those layers shedding at a rate of one inch per Red Hook, we should be able to see a lawn full of sun-bathers in front of the law school by mid-April. That should give us at least two weeks to be inspired for finals, with just enough time to prepare for next year’s courses. Personally, my priority selection will be *Feminist Legal Theory*. That should be fun. It’ll be a good opportunity to test my oral-argument skills. Remember, “Oh God.”

Remember, bar review is more than a chance to reminisce about the week’s events in Civ Pro. It’s also the best chance to find “only the lonely” at a number of different locales in the District. Also, who says you have to go to GW’s bar reviews? I know Georgetown has them too, and that said, you might as well invest the extra two bucks for premium beer, and that will guarantee you’ll at least have an experience with a girl who could give you a connection, as well as serve as your sugar-mamma for the next few years. Yeah, the girls at Georgetown might not be “at par” with the girls here, but hey, par is so overrated. Also, in the dark, it never really matters really, it’s all relative. Remember, Jim Beam and “Oh God.” A perfect combination.

So let the games begin. Save your lunch money for two days, and you’ll qualify as a certified fitness instructor for these babies, and our collective eye-candy will multiply faster than she can say, “Are you sure this is safe?”



## SEXLESS in the CITY

By SARAH HENSLEY

### If We Could Talk Like the Animals...

Some people spent spring break trying to relive the “glory days” of college in one of the nation’s “hot spots.” They succeeded, I’m sure, only in being that creepy “old” guy that your friends rescue you from (read: reliving their *actual* college experience). I spent break in D.C.. I had noble intents: catch up on reading, job applications, start outlining, but, ultimately, the only catching up I did was catching up on *Sex in the City*. I did, however, take advantage of one of the beautiful spring days that week to go to the National Zoo. Now, I’ll admit, the zoo is not the cheeriest place in the world to visit at this time of year. Many of the exhibits are overgrown with weeds, or temporarily closed. Wandering outside, you see more animal butt peeking

out from inside a building than actual animal. The camel is molting, and there are an uncomfortable number of signs that mourn the loss of the recently departed. Still, the zoo can be a real educational experience. And what I learned is this: humans have by far the worst mating rituals of any being on this planet. Maybe I’m being a bit overdramatic, but I was a professional actress once so I’m allowed (and, just for the record, though my theater work required writhing on the ground and screaming, I was not a porno star). There I go with the digressing. Just call me *Tristram Shandy*.

Though the examples of better mating rituals from the animal kingdom are multitudinous, here’s a top five to illustrate my point:

5. Giant Panda: The panda mating season is 2-3 days. If we operated like pandas, dating columns would be useless (‘cause they’re so useful now, right?...well, telling people you’re a “sex” columnist actually gets you lots of dates, but I suppose that’s a rather selfish use). If our mating season was 2-3 days, life would probably be a lot more efficient. We’d spend less time obsessing over the guys we like (will he call? will he email? what did he mean when he said...?) or over sex (with the amount of flesh exposed on campus lately, it’s a wonder the undersexed male population of the law school could even make it to class). Of course we might be almost extinct as well, which, unless you are an extreme conservationist, you’d probably agree would be a bad thing.

4. Wolves: Wolves win big points in my book because they cuddle post-mating. I’m a big fan of the cuddling, and I’m talk-

ing cuddling for the sake of cuddling. In fact, until last semester, I actually believed that you could invite someone to spend the night just to cuddle. You can’t, and doing so may mean you spend the night on your couch to get away from the “cuddling.” This just isn’t a problem in the wolf world. True, male wolves cuddle to prevent other male wolves from impregnating their chosen mates, but is the reason really important?

3. Gorilla (or in science lingo, *Gorilla Gorilla*): When these guys fight, they merely stand up on their hind legs and

pound their chests. Doesn’t that sound like more fun than a moot court oral argument? On the mating side of things, these creatures are very family-oriented ... they’d do Dan Quayle proud (which, according to my LRW professor,

I would not – apparently my column illustrates a “lack of family values”).

2. Praying Mantis: Since I’m such a “bitter man hater” and all, I thought I’d throw this predictable choice in for good measure. By this point everyone knows that the female praying mantis decapitates her partner after copulation ... the power this gives the female is enviable, but I can’t say that this would be desirable in the human world. I can honestly say that I’ve never had the compulsion to bite someone’s head off after hooking up with him. After all, if you bite your partner’s head off, you’re definitely not getting any of the cuddling. And it’s all about the cuddling.

1. Birds: There are several reasons that make bird relationships better than human relationships. First, male birds have to be extra pretty to woo their mates. This works for several reasons: a. it makes the guys have to work harder b. it means the females in their sensible neutral colorings are less prone to predator attack, and c. it means the females get to do the choosing – she can always be assured that several male suitors will be vying for her attention regardless of the size of her breast or any other superficial thing. Second, when birds mate for life everyone gets to be pretty (see, e.g. swans). Thus no one wants to stray.

Of course this list would not be complete without a dishonorable mention: the Orangutan. Much like humans, the orangutan “mates” whenever and wherever, and not necessarily just for procreation. Unfortunately this often requires the female orangutans to submit to forced intercourse. Bad orangutan, bad.





# Chicks on Flicks

BY KATE SWISHER AND ANNA MARIE BACA



## Time to go on a "Vegas Vacation"

For this special post-spring break edition of "Chicks on Flicks," we took movie reviews to the next level. After watching *National Lampoon's Vegas Vacation*, we decided, in our never-ending quest for accuracy, we would take a Vegas Vacation. In the movie the Griswold family jets off to Sin City after Clark (Chevy Chase) finally sells the rights to his food preservative, which makes it possible to drink old milk safely. With his newfound fortune, Clark treats the family to a week at the Mirage.

Clark, Ellen (Beverly D'Angelo), Russ (Ethan Embry), and Audrey (Marisol Nichols) soon discover that they have different ideas of fun. To make the most of their family vacation, they spilt up and set out on their own. Clark spends his time gambling away his life savings, while Ellen is swept off her feet by Wayne Newton. Once Russ secures his fake ID, "Mr. Papagorgio" is winning cars and cash faster than he can spend it. Audrey, meanwhile, has learned of the joys of being a Vegas showgirl.

Making a return appearance from past Vacations is quirky cousin Eddie (Randy Quaid). Eddie is like a car accident – you don't really want to see it, but can't help looking. The highlight of the movie is when the entire Griswold clan go on a tour of the Hoover Dam. The dam tour guide answers all of your dam questions.

### AMB

So now I guess you are wondering, "So, the movie sounds funny, but is it really an accurate depiction of Las Vegas?" Ms. Swisher and I have no newfound fortune (however, we would like to thank the Federal Government for sponsoring this trip and approving us for next year's loans as well: Hawaii here we come!). Instead of the Mirage, we took advantage of the Egyptian Passage Internet Special at the Luxor. Really, the only difference between the casinos is that Siegfried and Roy don't perform at the Luxor. Which was fine, since we couldn't afford the tickets to Siegfried and Roy's show, but were able to score fabulous seats to see Lance Burton.

Also, we had no significant other or children to take on the trip. Rather, an up-and-coming member of the Student Association accompanied us to Vegas. To protect her identity and political career we will call her Stacy Trampers. Ms. Trampers took on the role of Audrey, investigating the day and the life of a showgirl. Ms. Swisher was a bit more like Clark, losing money. I was kind of hoping to meet Wayne Newton, I was a bit more like "Mr. Papagorgio." Fortunately, I was able to win enough money to bail Ms. Swisher out of jail and to continue to tip the blessed cocktail waitresses who kept bringing me the nectar of the gods. (KS: she is kidding about the jail thing. Really. Besides, everyone including the Board of Bar Examiners, knows that what happens in Vegas stays in Vegas.)

Toward the end of the week, my biological family (as opposed to my law school family) came to celebrate my Aunt's birthday. My parents were opposed to renewing their vows for the sole purpose of research for the *Nota Bene*. As an alternative, I was taken to the championship game for the

Mountain West division. The Lady Lobos from the University of New Mexico spanked the Brigham Young Cougars and are now tearing it up in the NCAA. (Special Note: We do realize that the Dean is a BYU graduate. Thus, to protect our funding the *Nota Bene* staff does not share Miss Baca's views on the BYU women's basketball team. Wait, the Dean already cut our funding, screw the Cougars.)

In conclusion, let's be honest, we only watched the movie so we could brag about our trip. The movie is fantastic and so was our trip. I won big money and Ms. Swisher ate a burrito the size of my arm and was rewarded with a t-shirt for her performance (I have pictures). Next time we promise to review a movie people haven't already seen and would like to read about.

### KS

Okay, I was the Clark Griswold of our Vegas Vacation: the only machine paying out for me was the ATM. According to Ms. Baca, I was playing with "scared money." I think I just wanted it too badly. I wanted to be "Mr. Papagorgio": I had visions of winning big at Caesar's and racing to Chanel or Hermes at the Forum Shops to spend my winnings (I mean visions of paying off my tuition debts) and the casino gods punished me for my greed. But I did manage to get off the plane in L.A. (I too had a family birthday party obligation) with not one but two yard-long margarita souvenir glasses, one in the shape of the Eiffel Tower.

Always thinking of the *Nota Bene* and our responsibilities as serious journalists, Ms. Baca and I decided to watch "The Ring" in our hotel room at 3 a.m., in order to give our readers (do we have readers?) an exciting movie review within a movie review. The scariest part of the movie is when AMB hides in the closet while you are in the bathroom and jumps out at you, taking at least four years off of your life. (I heard that our funding was cut because the Dean thinks that too many articles in the *Nota Bene* are simply inside jokes; I don't think that's true, do you, Anna Marie?)

While Ms. Baca was winning big at the roulette table, Ms. Trampers and I checked out the Vegas club scene. It wasn't quite the same as Audrey dancing on a giant neon cowboy sign (in the movie; remember the movie we're reviewing?), but we did get to feel old; I think we were the only people there who were legitimately over the age of twenty-one. All other details of the evening are being hushed up in consideration of Ms. Trampers' career: remember, what happens in Vegas stays in Vegas.

In conclusion, I would like to add that if AMB ever suggests that you attempt to eat a giant burrito and drink a yard of margarita in thirty minutes or less as a fitting end to your vacation that would also be a really funny angle for a *Nota Bene* article, you should think twice. It is really hard to drink a margarita that big in thirty minutes. I mean, you can't just chug something that cold. I will say that it was the first time I have felt successful since coming to law school; I will wear my t-shirt with pride. Finally, I would recommend that you rent and watch "Vegas Vacation," but AMB has still not returned the video to Tower.

# Two (Hel)L

BY ERIK BAPTIST  
Staff Writer

Every year this column has a guest writer fulfill the duties of our normal columnist. Today Professor Erik Baptist will once again contribute his knowledge and wisdom to the *Nota Bene*:

Welcome, students. In this edition of the school's esteemed student newspaper, I would like to share with you some writing tips. All too often in my work in the legal profession I come across students and fellow lawyers who lack basic writing skills and make common mistakes. With the help of Stunk and White's *The Elements of Style* (the bible of good writers) and Webster (NOT the midget actor), this column will highlight a few of these errors.

1. **However.** The application of *however* is probably the most misused term in legal writing. The general rule is that you should never place *however* in the beginning of a sentence, unless you intend it to mean "in whatever way" or "to whatever extent." When used to mean "nevertheless," you should place *however* later in the sentence. This general rule also applies to *therefore*. A few examples will help illustrate this rule.

**Incorrect:** The Cart Lady provides an economical, efficient food service. *However*, her hotdogs have been known to cause stomach aches and violent diarrhea.

**Correct:** The Cart Lady provides an economical, efficient food service. Her hotdogs, *however*, have been known to cause stomach aches and violent diarrhea.

**Exception:** However the Cary Lady prepares my pretzel, it always ends up smelling like relish and pickles.

Columnist's note: This example is only for educational and entertainment purposes. In no way does the author accuse the Lady of the Cart of selling burnt, stale hotdogs. Or why else would he keep coming back for more pig butt?

2. **Founder vs. Flounder.** Now I'm willing to be bet that most people do not know the difference between these two verbs. *Founder* means "to fail utterly," whereas *flounder* means "to proceed in confusion." Do not be the lawyer who confuses these two words. Know the distinction.

**Example:** Even though the students *floundered* in Corporations, they inevitably received good grades. Erik, however, *foundered* in all of his classes, which meant that he had to attend summer school at UDC.

3. **Comprise vs. Constitute.** This distinction here is a little more subtle, but still often misused. *Comprise* means "to embrace," whereas *constitute* means "to compose." Let me explain through an example.

**Example:** The law school *comprises* law students, faculty, and administrators. But law students, faculty, and administrators do not *comprise* a law school. Instead,

law students, faculty, and administrators *constitute* a law school.

4. **Counterintuitive.** This misuse of this word represents one of my biggest pet peeves. If something is *intuitive*, it is "known as if by instinct without conscious reasoning." Even though many dictionaries fail to define *counterintuitive*, one can easily deduce its meaning: *counter* + *intuitive* (hmmmm...). All too often, however, I hear students in class using *counterintuitive* when they really mean *intuitive*. I know it sound more intellectual to use bigger words, but it sounds even more idiotic when you misuse them.

**Incorrect:** It's *counterintuitive* to think that the Dean will want to use all available law school funds to furnish and decorate the new Dean's office.

**Correct:** It's *counterintuitive* to think that the Dean will want to use all available law school funds to build a new library, let alone a new law school.

Columnist's note: I'm sure the Dean has no sway over the use of renovation funds. The author just needed somebody to pick on. And who better to pick on than the man who controls whether Erik receives a J.D. or enters into early retirement from the legal profession? It's *counterintuitive* for any student to want that issue hanging over his head.

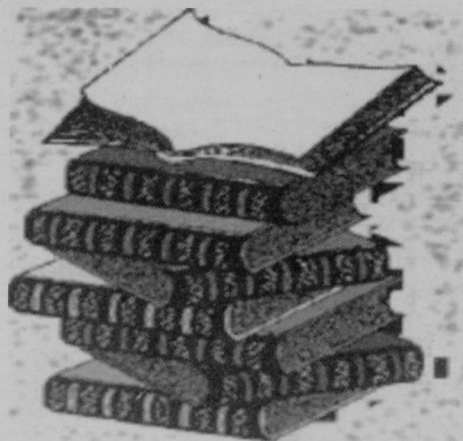
5. **Irregardless.** If you ever use *irregardless* in your writing or speech, you're just annoying everyone who has to read what you say or hear you speak. Do them a favor and shut up. Otherwise, just say *regardless*. Even though this rule does not deserve an example, I will give you idiots out there one.

**Example (from actual job interview):** Erik, your grades are awful, you can't write, and you can't carry a conversation even if I gave you another mouth and a pair of legs. *Regardless*, the job is yours. I can't believe I just hired you, but we needed to fill the firm's fat, lazy, and stupid quota. Congratulations.

6. **Could care less.** This last misused phrase is a pet peeve of a friend, so I told him that I would include it in this column for him. If you *could care less*, then you really do care about something to a certain degree. If you *could not care less*, then you do not have any concern about the matter at hand.

**Example:** I *could care less* whether people ever read this column, whether I graduate from law school, and whether the *Nota Bene* will exist next year.

These examples represent a few commonly misused words and phrases in the legal profession. Regardless, I hope you enjoyed this more than I did. If you didn't, however, I could care less.





## The Bar Review

### The Chi-Cha Lounge

By TROY D. BYERS  
Staff Writer

Here's a little gem that has been tucked away a little north of where most of the hip watering holes lie, but nonetheless worth the extra trek. Chi-Cha Lounge is a hip little joint that hosts some decent tunes with run of the mill drinks that edge on the pricey side, but that also sports an ambience that makes up for its shortcomings.

The layout is quite simple: a single floor with a bar with seating towards the back corner, and seating space divided compartmentally by large couches that give it a relaxed feel. The restroom was tricky for me to find. Head towards the back, towards the big "O" on the wall (no, not that big "O," it's a mirror) and take the first right which will take you downstairs. The sexes are denominated by a picture of a woman on the women's and a guy who looks like a woman on the men's (at least that's how it looked after about four scotches). The low, red lighting, backed by some hot jazzy tunes and mixed with one of their passable martinis create an atmosphere of *amor* that could vex Cupid himself.

While the music played is a range from hot to medium jazz throughout the early evening, around 10 a live band playing Bossa Nova came out which set a festive mood in a way only the Brazilians can. Though I would be hard pressed to judge what is quality Bossa Nova, these guys were pretty smooth.

With that in mind, singles beware. I strutted in expecting to have a nightcap and scope out the joint, and ended up making the acquaintance of a couple of sweet young things: one a dusky jewel whose beauty ri-

vals that of Parvatti, and another a buxom dirty blonde (and the "dirty" ain't modifying her hair color, fellas). So long story short, the women here are definitely above par. The clientele in general seemed a bit "froo-froo," but if the couple next to me was any indication, their busy hands distract them from annoying those of us who aren't into the froo-froo crowd. The set up allows large groups to maintain an isolated autonomy or for different small groups and individuals to pick-up (I mean, interact).

Perhaps the one anomaly here is the "hookahs." For those of you who don't know, hookahs are those big water pipes that sit on a table with a mouthpiece attached to a hose from where you inhale the usually fruit-flavored tobacco which first passes through water. Now, don't get me wrong, hookahs are great. But it seems a bit out of place to be tapping your feet to Bossa Nova instead of Cheb Mami while toking on the hookah. But if you're one of those crazy individuals who like to mix and match their cultures, then you won't mind the \$15 to light up a packed hookah while swinging your ass to a smooth Latin beat.

Overall Chi-Cha's is a positive experience, with somewhat slow but courteous service. Don't wait until your glass is empty to order a new one. Also, be careful when your bill comes: on mine the gratuity was already included. They also have an impressive menu of Latin yummys, though, unfortunately, I was on a liquid diet at the time.

Located at 1624 U St. NW, the nearest Metro stop is the U Street station on the Green line. However, if you're already in the Mid-town/Dupont area it would qualify as a pleasant walk if the weather is right.

## WHAT SUCKS?

### Registration

By E.J. Levin

Did you ever notice that all the classes you want to take happen to be scheduled at the same time or have exams on the same day? Not that two exams on the same day are a problem, because you can study for evidence and crim pro in one night, right? And academic advising sucks too. Well, if you get to the alcove right when Dean Devigne sits down, then maybe you are okay, but other wise be prepared to wait more than an hour so you can miss your class (and that one piece of information that is given out that day that would have helped you pass Trusts and Estates, because face it, even though you are taking it CR/NC you are looking at NC) and have someone tell you that the bar you want to take has tax, corporations, family law, and admin law and in your last two semesters you should really try to take all of them.

So anyway, you are waiting on line, sweating because a) the Coke machine ran out of Diet Coke and you are hot and want a drink, but don't want to loose your place and travel to the cart lady; b) the school, for a change, has not managed to regulate the air temp (now that it is warming up, they finally turned on the heat); or c) you ran here from class to try to beat the line and there were those two annoying people who had to walk down the stairs standing NEXT to each other instead of behind one another and talk and walk slowly so no one can get past them so in your frustration, your brow begins to perspire.

And when you do get to register you

can't because a) your have forgotten your password and it is after 4:45 a.m. so you can't call the office for help and by the next day the class you really wanted is closed so you have to rearrange your entire schedule to accommodate for a different exam; b) you go online and a bunch of crazy people woke up at 7:00 a.m. to register and now that it is noon, you are again screwed because the class you wanted is closed and so...see above; or c) the section of a class you wanted has changed times so you have to rearrange your schedule and a class you would have taken is now closed and so ... see above.

And, if you are a 1L, then you can't get into any classes that sound interesting anyway. Maybe if by the grace of god you won that thing at the advising fair you will get a class you like, but otherwise, take a huge classes and be subjected to the Socratic method for another year. Fun for all.

If you are a day student, it seems like all the best classes are at night. And what is up with that? Especially Thursday nights when I have to watch *Friends*. And Tuesday nights, *American Idol*. And Wednesday nights, the NEW season of *The Bachelor*. Mondays are okay. Oh, and also, because they have shut down *The Environmental Lawyer*, you have to take five classes to get enough credits to be full-time. Yeah for you. By the way, The Environmental Lawyer is still something you can register for online. I did. As your lawyer, I advise you to do the same.

## The Crossword

### Strikes Back

#### Crossword 101

By Ed Canty

#### Blank The Blank

##### Across

- 1 Hemingway
- 5 Speculative
- 10 Prayer ending
- 14 Unauthorized disclosure
- 15 Jazz man Shaw
- 16 Visit
- 17 Major
- 18 Go free
- 20 Distress signal
- 21 Singer Crosby
- 22 Joint
- 23 Barter
- 25 Mark Furman's employer
- 27 Theater guide
- 29 Kitchen aid
- 33 Strainer
- 34 Woefully
- 35 Precedes mode or carte
- 36 Yuks!
- 37 Santiago's holder
- 38 Enthusiastic
- 39 Doctors' org.
- 40 Sally Hemmings, e.g.
- 41 TV's Van Susteren
- 42 North or south locator
- 44 Beaver's cousin
- 45 Collars
- 46 Debris
- 48 Up to now
- 51 Dry
- 52 Organization member
- 55 Gab
- 58 Minnesota player
- 59 Verdi's work
- 60 Spooky
- 61 Christen
- 62 Kind of picture
- 63 Schemes
- 64 Font

##### Down

- 1 Strong point
- 2 Aviation prefix
- 3 Take up a collection
- 4 Alias: Abrev



- 5 Overzealous
- 6 Girl of song
- 7 Bachelor party
- 8 Ditty bag
- 9 However
- 10 Order of business
- 11 Mindy's friend
- 12 And others
- 13 No way!
- 19 Glad
- 21 Unpainted
- 24 Clerics: Abrev.
- 25 Dipper
- 26 Shaft
- 27 Regular
- 28 Greek letter
- 29 Relinquish
- 30 Make easier
- 31 High society
- 32 Cpl. Walter O'Reilly to friends
- 34 Herring-like fishes
- 37 Follows tennis or golf
- 38 Buchwald & others
- 40 Initiate

- 41 Egg on
- 43 To a certain extent
- 46 Distinguishing feature
- 47 Ceremonies
- 48 Simba's uncle
- 49 Buckeye State
- 50 Greenspan and others
- 51 Hairdo
- 53 Walk lamely
- 54 Hinge joint
- 56 Groovy
- 57 Snakelike fish
- 58 Explosive

#### Quotable Quote

*It is better to keep your mouth closed and let people think you are a fool than to open it and remove all doubt.*

— Mark Twain

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Answer on page 19

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## FEATURES

# War in Iraq Has Students Talking

From each side of the political spectrum, the GW Law community has voiced its opinion on the current situation in Iraq. From opposition to protests to disgust with the political leadership, conversations about the war have continued to dominate the chatter in the various halls and gathering places of the school. When asked to give a statement on the war, the students below had many different things to say.



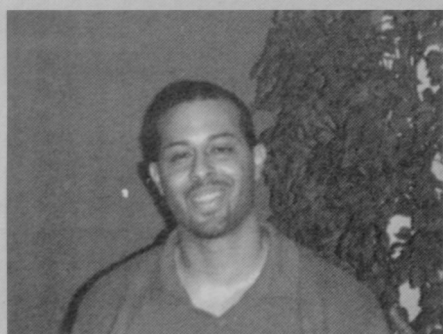
Tamara Binns- 3L

"Had we not voted for the power-hungry Bush, we wouldn't be in this situation."



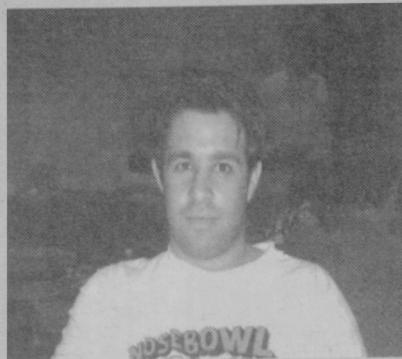
Alyssa Olsen- 2L

"I'm in support of the war because Saddam Hussein has continued to ignore U.N. resolutions and there seems to be mounting evidence that he's been hiding weapons of mass destruction. As a result of his actions, it seems that war was the only option, to ensure the safety of Americans."



Jorge Correa- 2L

"Bush is using this war as a cover-up for everything he hasn't done for this country, or the things he's doing wrong. He hasn't dealt with the economy, which is the real problem. People, including law students, can't even find jobs. I mean, since 9/11, he only talks about Saddam Hussein, I mean, he used to talk about Osama Bin Laden. He needed someone to blame, because he couldn't find Bin Laden. He's not even original, he's just continuing his daddy's war."



David Mackler - 2L

I think the war is a good idea, but I'm not one to endorse going to war just for the hell of it. I mean, you're dealing with somebody who has proven in the past his tendency to be aggressive and have a complete lack of concern for any of his neighbors or his own people. Clearly, given the opportunity to re-arm, there would be dire consequences in the region. I'm a firm believer that he's funding terrorists around the world, including the Middle East. As for the anti-war demonstrators, of course they have a right to demonstrate, but that being said, they're being very naïve. Maybe they should go to Paris, because after 9/11, if we wait for something to happen... well..."



Michelle Persaud- 3L

"What I don't understand is why the protesting situation has got so out of hand. I don't see the point anymore because there's not really anything that can be done now. It's one thing to engage in peaceful protest or to protest for peace, but it's another to riot and defecate in the streets of San Francisco. How are the police supposed to keep our streets safe from terror if so much of their efforts are being put to keeping our streets safe from the protesters?"



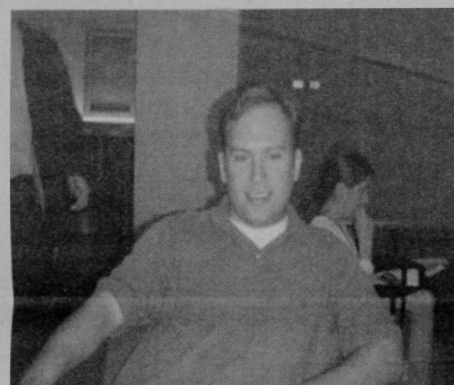
Tree Martschink- 3L

"Instead of demanding that Saddam Hussein surrender power and leave Iraq as empty handed as a pauper - which he would have done - maybe we should have tried to entice him to leave Iraq by offering him something on par with a desolate third-world country - perhaps the governorship of Ohio."



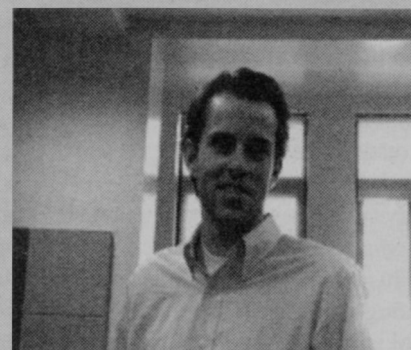
Andres Perez- 1L

"In the words of Ernesto 'Che' Guevara, 'Many will call me an adventurer - and that I am, only one of a different sort: one of those who risks his skin to prove his platitudes.'"



Robert Folliard- 1L

"Saddam Hussein was a ticking time bomb, and we had to act in order to prevent future atrocities. To say that he could be contained by the few U.N. Inspectors is totally unrealistic. As for the European Union's opposition to this war, supposedly at 78%, well, I think that was about the same number who favored the Munich Accords just before WWII."



John Malarney- 1L

"It's about time our military stretched its legs and let the rest of the world know who's running this show. Our military's sole function should be as an overwhelming destructive force. The blood of civilian casualties is on Saddam's hands, not ours. Peace will only come with an overwhelming victory. I would advise the student body when thinking about such important international matters to ask: 'WWRD' What would Reagan Do?"



FEATURES

I Got Game  
Special Game of the Year Edition

By EDDIE GOMEZ  
Features Editor

Every year, gamers like me get erect when Electronic Gaming Monthly (EGM) releases its Game of the Year Award for the year's best game (duh) and its game of the year for each of the three consoles – Xbox, PS2, and GameCube. EGM publishes a well-known magazine that enjoys wide circulation. Its determination of "game of the year" usually goes unchallenged by the smaller consortiums that also hand out such awards.

Xbox

**Splinter Cell** – If you don't know anything about this game, you're basically a super secret agent, a field operative of a division of the CIA. You just have to sneak around levels and complete certain objectives. What makes this game really exciting is its groundbreaking use of lighting effects. You see the shadows of moths buzzing around streetlights. You see dust in the air. On top of all of that, add intense graphics and scenarios, a great control scheme for the Xbox controller, and badass weapons (that are all true-to-life) and this is an easy one for Xbox Game of the Year.

Score: 9.6 (this game is the sh\*t).

PS2

**Grand Theft Auto: Vice City** – Last year, Rockstar Games blew up on the scene with Grand Theft Auto 3 (GTA3). This game broke all the rules with its open-ended

gameplay and politically incorrect characters. And hookers, lots of hookers. This latest installment of GTA holds a special place in my heart because the game is set in Miami in its golden decade ... the '80s. You basically run around the city and do whatever you want or go on specific missions depending on what drug dealer you happen to be working for at the time. You can drive motorcycles, boats, and even helicopters.

I'm not totally thrilled with this game being named Game of the Year for PS2, but it doesn't surprise me. The game is great. Don't get me wrong. But minus points for being essentially the same game as last year's GTA3.

Score: 8.8

GameCube

**Super Mario Sunshine** – Don't take this the wrong way. I love Mario. I grew up on him and I'll always have a soft spot for Nintendo. But this game is flat out gay. I mean, the graphics are nice and there are some cool new gameplay elements (like the warp zones), but all in all, this game is for ten-year-olds. His little cleaning machine wears thin after a while.

I guess this game had to win Game of the Year because it's Nintendo and it's Mario. It could also be because Metroid Prime was busy winning another award.

Score: 7.5

Game of the Year

**Metroid Prime**, Nintendo GameCube – props to Nintendo. I told all of you last time this column came out

to watch out for this game. It is simply gorgeous and totally immersive. But the great thing is that in the transition from 2D to 3D, none of the Metroid conventions were sacrificed. Samus looks great and she really kicks ass.

Score: 9.7

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Ron & John on Funding and  
"Raised Eyebrows"

Hey Ron and John,  
I heard a rumor that Dean Young is trying to get rid of the *Nota Bene*. Is there any truth to that rumor? I enjoy reading your articles during class, so I would hate to see it go.  
-Sally Censorship, 2L

Ron's Advice

Well, I'm flattered, Sally. That is very nice of you to say. That brings the total number of people who actually read this column to three (John, John's roommate, and you). I don't know where you hear your rumors from, but either you have a lot of friends on the staff of the paper (read: you're a loser) or you're actually Mark Hershfield (read: you're a loser).

Regardless of your social status, the rumor is true. The Dean would not likely characterize it as an attempt to shut down the paper (he wouldn't want the staff of the paper to actually think that he cares enough about the paper to work to shut it down), but once you look at it more closely, his intent becomes obvious. As my buddy John so eloquently explains below, this is nothing more than an attempt by Dean Young to "pass the buck" regarding the funding (read: the very existence) of the paper.

I think your question will best be answered if I break down Dean Young's point of view. This list will also point out some events over the past couple of years that may have had an effect on said point of view:

1. He thinks we suck because we don't discuss relevant legal issues (especially those affecting Japan) all the time.
2. He drives a brand new, bright yellow Mercedes-Benz SLK...bright yellow.
3. Approximately one year ago, Features Editor Eddie Gomez wrote an editorial because he was extremely angry that the law school had dropped from a #23 slot in the *U.S. News and World Report* rankings to a 5-way tie at #25. In this article, among paragraphs of banter, Mr. Gomez stated that Dean Young had been acting like Dean Trachtenberg's "bitch" for not securing more money for the Law School from the University. Yes, he called Dean Young Dean Trachtenberg's bitch. This ... raised some eyebrows.
4. Since the event in #3, Dean Young, not surprisingly, at a number of public and semi-public events, has taken any shot he could take at the paper. Many sympathize with him and he garners many laughs. This is because many people think the paper sucks, but for some reason, you can't find a copy of the thing only two days after it's been released. And since those same people want

to be on Dean Young's good side, they laugh at his stupid jokes.

5. The event in #3 caused quite an uproar. But what added fuel to the fire was that the inflammatory op-ed piece appeared in the last issue, so it was untimely for Dean Young to respond. So he kept it inside and revealed his true anger only to his closest associates. These associates then directly and indirectly tried to silence Mr. Gomez by stating that they (read: Dean Karamanian) would send a copy of the op-ed piece to the bar and his employer. Needless to say, Dean Young never got to strike back like he wanted to, so he engaged in the activities outlined in #2 and #4 above.
6. Two words: bright yellow.
7. Throughout the year, the *Nota Bene* has published a larger number of sex columns, movie reviews, bar reviews – generally, stuff that is below the intellectual level of Dean Young and his close colleagues. As such, this has called for more jokes and disparaging remarks. We were going to start running a weekly *Asian Law Update* column, but news of Dean Young's recent actions has stifled its development.
8. So the SBA had been complaining about lack of money. Plus the SA cut their budget because the SBA was late in handing it in. How to solve this terrible dilemma? Kill two birds with one stone, Dean Young? Alleviate the SBA's budget difficulties and give it the responsibility of funding that annoying and sophomoric newspaper, so that if they should choose to cut the funding (because, after all, organizations are *never* arguing over every penny from the SBA), it would be the SBA's fault, not his.
9. One month from now: Dean Young's plan works and he rides off into the sunset in his Bright Yellow Benzo. Japan declares a national holiday.

John's Advice

Thanks for the question and concern. Yes, it is true that Dean Young sees no usefulness in the *Nota Bene*, plans to cut funding for the newspaper, and hand over control of the newspaper to the SBA if it accepts. If the SBA decides that there will be a conflict of interest in funding a paper that covers them and refuses to fund it, the paper will be history. Wow. Why would he ever want to do that? Well, let's investigate.

First, the *Nota Bene* has notoriously been a thorn in side of the administration. This year we have questioned

some of the Dean Young's decisions, such as his move to dismantle *The Environmental Lawyer* and throw the Domestic Violence Clinic into the trash. In support of the Dean, the journal did have financial woes for many years and congress reduced funding for the clinic. But I find it difficult to believe that GW's coffers lack the ability to support these integral parts of the law school. Considering that the school can afford to buy a plasma-screen TV that displays information of no interest to most students, lavishly decorate the E building, and have a state-of-the-art library (wait, never mind), I think that the final decision came down to whether the school believed that these two institutions were important and whether students' strong interests in them mattered.

But I digress. I see why the Dean would want to mute the newspaper: most leaders hate having their decisions questioned. Unfortunately for the Dean, our Constitution promotes the freedom of the press. The same way President Bush can't silence the *New York Times*, Dean Young should not be able to terminate the *Nota Bene*.

Second, most people find it rather underhanded for the Dean to use the SBA as a proxy to terminate the newspaper. He realizes that it would be a bad public relations move to kill the only student newspaper. He, therefore, decided to shift this burden onto the SBA. He thought that he could bribe and buy off the SBA by offering them \$15,000 to accept oversight of the *Nota Bene*. That money could – and probably would – be a one-time deal, which would leave the SBA in a major budget crunch next year in deciding how to appropriate funds to more student organizations with the same amount of money as previous years. This dilemma would force the SBA to cut funding for every organization, but the effect would probably be to limit the paper to a monthly publication. Eventually, the paper might lose more funding and influence to where it is completely disregarded by students or terminated for good. And I can see Dean Young smiling and saying, "You see, the students have spoken and clearly announced that they do not find any utility in having a student newspaper."

Without having to hear a voice of the students, the Dean will have unfettered power to continue his "shock and awe" campaign on important student institutions, such as *The Environmental Lawyer*, the Domestic Violence Clinic, and the *Nota Bene*. I wonder what'll be next. The Law Revue Show? The SBA?

Not a bad plan, aye?





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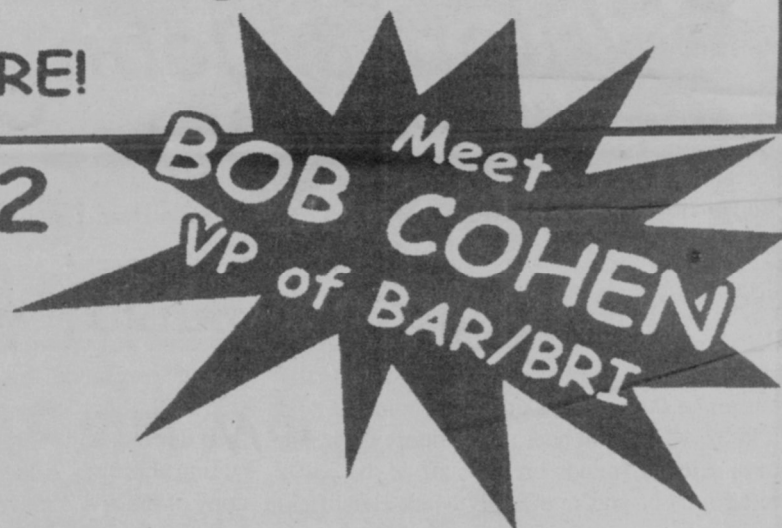
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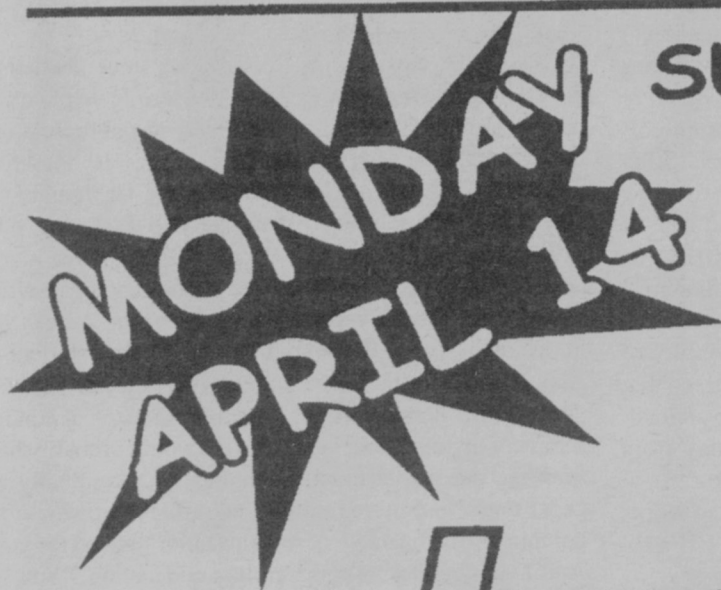
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